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## TITLE 3—THE PRESIDENT

### PROCLAMATION 2744

AMENDMENT OF REGULATIONS RELATING TO MIGRATORY BIRDS AND GAME MAMMALS

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Acting Secretary of the Interior has adopted and has submitted to me for approval the following amendment of the regulations approved by Proclamation No. 2739 of July 31, 1947, relating to migratory birds and game mammals included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and certain game mammals concluded February 7, 1936:

AMENDMENT OF MIGRATORY BIRD TREATY ACT REGULATIONS ADOPTED BY THE SECRETARY OF THE INTERIOR

By virtue of and pursuant to the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), and Reorganization Plan II (53 Stat. 1431), and having determined, in accordance with the provisions of the Administrative Procedure Act of June 11, 1946 (Pub. Law No. 404—79th Congress), that the amendment adopted herein is corrective and that further notice and public procedure thereon are impracticable and unnecessary, I, Oscar L. Chapman, Acting Secretary of the Interior, having due regard to the zones of temperature and to the distribution, abundance, economic value, breeding habits, and times and lines of migratory flight of migratory birds included in the terms of the Convention between the United States and Great Britain for the protection of migratory birds, concluded August 16, 1916, and the Convention between the United States and the United Mexican States for the protection of migratory birds and game mammals, concluded February 7, 1936, have determined when, to what extent, and by what means it is compatible with the terms of the said Act and conventions to allow the hunting, taking, capture, killing, possession, sale, purchase, shipment, transportation, carriage, exportation, and importation of such birds and parts thereof and their nests and eggs, and in accordance with such determinations, do hereby amend the regulations approved by Proclamation No. 2739 of July 31, 1947, by deleting from Regulation 4 thereof that portion establishing an open season on mourning, or turtle, dove in the State of Florida and in lieu of such deleted portion, do hereby adopt the following:

"Florida in Broward, Dade, and Monroe Counties, October 1 to October 31; in remainder of State, December 3 to January 31."

In view of the fact that the portion of Regulation 4 deleted hereby was adopted by me under a mistake of fact, and in view of the further fact that the present amendment is corrective of regulations which are effective August 31, 1947, it has been determined that this amendment shall become effective August 31, 1947.

IN WITNESS WHEREOF, I have hereunto subscribed my name and caused the seal of the Department of the Interior to be affixed, this 7th day of August 1947.

[SEAL] OSCAR L. CHAPMAN,
*Acting Secretary of the Interior.*

AND WHEREAS upon consideration it appears that approval of the foregoing amendment will effectuate the purposes of the aforesaid Migratory Bird Treaty Act:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 3 of the said Migratory Bird Treaty Act of July 3, 1918, do hereby approve and proclaim the foregoing amendment.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of August in the year of our Lord nineteen hundred and forty-seven, and of the Independence of the United States of America the one hundred and seventy-second.

[SEAL]

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
*Acting Secretary of State.*

[F. R. Doc. 47-7984; Filed, Aug. 22, 1947; 11:00 a. m.]

## CONTENTS

### THE PRESIDENT

**Proclamation** — Page

Migratory Bird Treaty Act regulations adopted by Secretary of Interior, amendement ..... 5687

**Executive Order**

Non-military and non-naval transportation on army and navy transports ..... 5689

### EXECUTIVE AGENCIES

**Agriculture Department**

*See also* Production and Marketing Administration.

Proposed rule making:

Irish potatoes in eastern South Dakota production area, handling ..... 5704

Posting of stockyards; R & O Commission Co ..... 5713

Rules and regulations:

Price support; chickens and turkeys ..... 5689

**Alien Property, Office of**

Notices:

Vesting orders, etc.:

American Bosch Corp. and Robert Bosch, G. m. b. H ..... 5714

Evans, Fanny ..... 5714

Frey, Julius, et al ..... 5714

Hofmann, Valentine ..... 5715

Kleinsorg, Katharina ..... 5716

Oltmanns, Frau Theo, et al ..... 5717

**Customs Bureau**

Proposed rule making:

Air commerce; examination in Hawaii of passengers and crew members proceeding to mainland ..... 5703

**Federal Communications Commission**

Notices:

Hearings, etc.:

Crescent Broadcast Corp ..... 5717

Platte Valley Broadcasting Corp ..... 5718

**Federal Housing Administration**

Rules and regulations:

Property improvement loans ..... 5692

**Federal Power Commission**

Notices:

Hearings, etc.:

Arkansas-Oklahoma Gas Co ..... 5719

Connecticut Light and Power Co ..... 5720

FEDERAL REGISTER

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## CONTENTS—Continued

**Federal Power Commission—Continued** — Page
Notices—Continued
Hearings, etc.—Continued
Consolidated Gas Utilities Corp — 5719
Montana-Dakota Utilities Co — 5719
New York State Natural Gas Corp — 5719
Raymond, Mrs. E. F., & Sons and Sam J. Wilson — 5720
Sisac, B. R — 5720
Southern California Edison Co — 5720
Texas Eastern Transmission Corp — 5718
United Gas Pipe Line Co — 5718

**Fish and Wildlife Service**
Rules and regulations:
Migratory birds and game mammals; open season on mourning or turtle dove in Florida; cross reference — 5703

**Geological Survey**
Notices:
Oregon, power site classification; John Day River — 5717

**Housing Expediter, Office of**
Rules and regulations:
Defense rental areas:
Housing, controlled — 5697
Atlantic County — 5697
Miami — 5698
New York City — 5698
Rooming houses and other establishments, controlled rooms — 5699
Miami — 5699
New York City — 5700

**Immigration and Naturalization Service**
Proposed rule making:
Air navigation, civil; examination in Hawaii of passengers and crew members proceeding to mainland — 5703

**Interstate Commerce Commission**
Notices:
Reconsignment:
Peaches:
Chicago, Ill. (4 documents) — 5720, 5721
Cincinnati, Ohio — 5720
Potatoes, Chicago, Ill — 5721

**Panama Canal**
Rules and regulations:
Air navigation facilities, aircraft, and aeronautical activities within Canal zone — 5700

**Post Office Department**
Rules and regulations:
International postal service; air mail to Korea — 5702
Losses; inquiries, complaints and claims, and reports and application for indemnity — 5702
Postage, classification and rates; bulk mailings of third-class matter, separation required — 5702

**Production and Marketing Administration**
Rules and regulations:
Limitation of shipments:
California and Arizona:
Lemons (3 documents) — 5689, 5690
Oranges — 5690
School lunch program:
Nonfood assistance funds, reapportionment — 5692
Puerto Rico and Virgin Islands, minimum nutritional requirements — 5691

## CONTENTS—Continued

**Public Health Service** — Page
Proposed rule making:
Foreign quarantine; examination in Hawaii of aircraft passengers and crew members proceeding to mainland — 5703

**Securities and Exchange Commission**
Notices:
Hearings, etc.:
Middle West Corp — 5722
North American Co — 5721
North American Light & Power Co — 5722
United Gas Corp. and United Gas Pipe Line Co — 5721

**Treasury Department**
Notices:
⅞ percent Treasury certificates of indebtedness; offering — 5713

## CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such in parentheses.

**Title 3—The President** — Page
Chapter I—Proclamations:
2739 [1] — 5687
2744 — 5687
Chapter II—Executive Orders:
9492 [2] — 5689
9629 [2] — 5689
9714 [2] — 5689
9792 [2] — 5689
9840 [2] — 5689
9867 [2] — 5689
9886 — 5689

**Title 7—Agriculture**
Subtitle A—Office of the Secretary of Agriculture:
Part 9—Price support of agricultural commodities — 5689
Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders):
*Proposed rule making* (2 documents) — 5704, 5713
Part 953—Lemons grown in California and Arizona (3 documents) — 5689, 5690
Part 966—Oranges grown in California and Arizona — 5690
Chapter XIV—Production and Marketing Administration (School Lunch Program):
Part 1800—Regulations and procedures — 5691
Appendix — 5692

**Title 8—Aliens and Nationality**
Chapter I—Immigration and Naturalization Service, Department of Justice:
Part 116—Civil air navigation (proposed) — 5703

**Title 19—Customs Duties**
Chapter I—Bureau of Customs, Department of the Treasury:
Part 6—Air commerce regulations (proposed) — 5703

[1] Proc. 2744.
[2] E. O. 9886.

## CODIFICATION GUIDE—Con.


| | Page |
|---|---|
| **Title 24—Housing Credit** | |
| Chapter V—Federal Housing Administration: | |
| Part 502—Class 3 property improvement loans | 5692 |
| Chapter VIII—Office of Housing Expediter: | |
| Part 825—Rent regulations under the Housing and Rent Act of 1947 (7 documents) | 5697, 5698, 5699, 5700 |
| **Title 35—Panama Canal** | |
| Chapter I—Canal Zone regulations: | |
| Part 5—Air navigation | 5700 |
| **Title 39—Postal Service** | |
| Chapter I—Post Office Department: | |
| Part 5—Classification and rates of postage | 5702 |
| Part 21—International postal service | 5702 |
| Part 50—Procedures of the Post Office Department | 5702 |
| Part 55—Forms of the Post Office Department | 5702 |
| **Title 42—Public Health** | |
| Chapter I—Public Health Service, Federal Security Agency: | |
| Part 11—Foreign quarantine (proposed) | 5703 |
| **Title 50—Wildlife** | |
| Chapter I—Fish and Wildlife Service, Department of the Interior: | |
| Part 1—Migratory birds and game mammals | 5703 |


## EXECUTIVE ORDER 9886

AMENDING EXECUTIVE ORDER NO. 9492, AS AMENDED, PRESCRIBING REGULATIONS GOVERNING NON-MILITARY AND NON-NAVAL TRANSPORTATION ON ARMY AND NAVY AIR TRANSPORTS

By virtue of the authority vested in me by the Constitution and laws of the United States and as President of the United States and Commander in Chief of the Army and Navy of the United States, it is ordered that Executive Order No. 9492 of October 24, 1944, as amended by Executive Orders No. 9629 of September 25, 1945, No. 9714 of April 20, 1946, No. 9792 of October 23, 1946, No. 9840 of April 22, 1947, and No. 9867 of June 23, 1947, prescribing regulations governing non-military and non-naval transportation on Army and Navy air transports, be, and it is hereby, further amended by substituting the words "three years and one month" for the words "two years and ten months," occurring in paragraph 2 (c) thereof, as amended, and by adding to the end of the said paragraph the sentence "This order shall cease to be in effect at such time, not later than the expiration of the period of three years and one month aforesaid, as the Secretary of Defense may specifically provide in regulations or orders issued by him superseding the provisions hereof."

HARRY S. TRUMAN

THE WHITE HOUSE,
*August 22, 1947.*

[F. R. Doc. 47-7987; Filed, Aug. 22, 1947; 11:35 a. m.]

# TITLE 7—AGRICULTURE

## Subtitle A—Office of the Secretary of Agriculture

PART 9—PRICE SUPPORT OF AGRICULTURAL COMMODITIES

CHICKENS AND TURKEYS

By announcement issued on the 17th day of February 1947 (12 F. R. 1187) a level of price support was established for the 1947 crop of turkeys limited to the period October 1947 through January 1948 and for the 1948 crop of turkeys limited to the period October 1948 through December 1948. These two periods are hereby changed so as to include also September 1947 and September 1948, respectively. Accordingly, § 9.3 *Chickens and turkeys* is amended to read as follows:

§ 9.3 *Chickens and turkeys.* Chickens (excluding chickens weighing less than 3½ pounds live weight and all broilers) and turkeys (with purchases of turkeys of the 1947 crop limited to the period September 1947 through January 1948 and purchases of the 1948 crop limited to the period September 1948 through December 1948): 90 percent of the parity price, but in no event less than specified prices to be announced from time to time. (Sec. 4 (a), 55 Stat. 498, as amended, 15 U. S. C. Sup. 713a-8)

Done at Washington, D. C., this 19th day of August 1947.

[SEAL] CHARLES F. BRANNAN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 47-7907; Filed, Aug. 22, 1947; 8:46 a. m.]

## Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders)

[Lemon Reg. 235, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order, as amended.* (1) The provisions in paragraphs (b) (1) and (2) of § 953.342 (Lemon Regulation 235, 12 F. R. 5544) are hereby amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 17, 1947, and ending at 12:01 a. m., P. s. t., August 24, 1947, is hereby fixed at 500 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 235 (12 F. R. 5544) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 20th day of August 1947.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 47-7927; Filed, Aug. 22, 1947; 8:45 a. m.]

[Lemon Reg. 235, Amdt. 2]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the

date when information upon which the regulation is based became available and the time when this regulation must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order, as amended.* (1) The provisions in subparagraphs (b) (1) and (2) of § 953.342, as amended (Lemon Regulation 235, 12 F. R. 5544, as amended) are hereby further amended to read as follows:

(1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 17, 1947, and ending at 12:01 a. m., P. s. t., August 24, 1947, is hereby fixed at 600 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 235 (12 F. R. 5544) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq)

Done at Washington, D. C., this 21st day of August 1947.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 47-7983; Filed, Aug. 22, 1947; 12:31 p. m.]

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[Lemon Reg. 236]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.343 *Lemon Regulation 236*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 53 (7 CFR, Cum. Supp., 953.1 et seq.), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess.; 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 24, 1947, and ending at 12:01 a. m., P. s. t., August 31, 1947, is hereby fixed at 200 carloads, or an equivalent quantity.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached to Lemon Regulation 235 (12 F. R. 5544) and made a part hereof by this reference. The Lemon Administrative Committee, in accordance with the provisions of the said marketing agreement and order, shall calculate the quantity of lemons which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section, "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said marketing agreement and order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 21st day of August 1947.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

[F. R. Doc. 47-7964; Filed, Aug. 22, 1947; 8:48 a. m.]

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[Orange Reg. 192]

## PART 966—ORANGES GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 966.338 *Orange Regulation 192*—(a) *Findings.* (1) Pursuant to the provisions of Order No. 66 (7 CFR, Cum. Supp., 966.1 et seq.) regulating the handling of oranges grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendation and information submitted by the Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of the quantity of such oranges which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that compliance with the notice, public rule making procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 2d Sess., 60 Stat. 237) is impracticable and contrary to the public interest in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient for such compliance.

(b) *Order.* (1) The quantity of oranges grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., August 24, 1947, and ending at 12:01 a. m., P. s. t., August 31, 1947, is hereby fixed as follows:

(i) *Valencia oranges.* (*a*) Prorate District No. 1, unlimited movement; (*b*) Prorate District No. 2, 1,800 carloads; and (*c*) Prorate District No. 3, unlimited movement.

(ii) *Oranges other than Valencia oranges.* (*a*) Prorate Districts Nos. 1, 2, and 3, no movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference. The Orange Administrative Committee, in accordance with the provisions of the said order, shall calculate the quantity of oranges which may be handled by each such handler during the period specified in subparagraph (1) of this paragraph.

(3) As used in this section "handled," "handler," "carloads," and "prorate base" shall have the same meaning as is given to each such term in the said order; and "Prorate District No. 1," "Prorate District No. 2," and "Prorate District No. 3" shall have the same meaning as is given to each such term in § 966.107 of the rules and regulations (11 F. R. 10258) issued pursuant to said order. (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Done at Washington, D. C., this 21st day of August 1947.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Branch, Production and Marketing Administration.*

### PRORATE BASE SCHEDULE

[12:01 A. M. Aug. 24, 1947 to 12:01 A. M. Aug. 31, 1947]

#### VALENCIA ORANGES

*Prorate District No. 2*

| *Handler* | *Prorate base (percent)* |
|---|---|
| Total | 100.0000 |
| A. F. G. Alta Loma | .0715 |
| A. F. G. Fullerton | 1.0085 |
| A. F. G. Orange | .7307 |
| A. F. G. Redlands | .2279 |
| A. F. G. Riverside | .1265 |
| A. F. G. San Juan Capistrano | .9049 |
| A. F. G. Santa Paula | .3585 |
| Corona Plantation Co | .2337 |
| Hazeltine Packing Co | .3543 |
| Placentia Pioneer Valley Growers Association | .7182 |
| Signal Fruit Association | .0781 |
| Azusa Citrus Association | .4286 |
| Azusa Orange Co., Inc | .1330 |
| Damerel-Allison Co | .8193 |
| Glendora Mutual Orange Association | .3718 |

PRORATE BASE SCHEDULE—Continued

VALENCIA ORANGES—continued

*Prorate District No. 2*—Continued

| Handler | Prorate base (percent) |
|---|---|
| Irwindale Citrus Association | 0.2795 |
| Puente Mutual Citrus Association | .2049 |
| Valencia Heights Orchards Association | .4200 |
| Glendora Citrus Association | .3414 |
| Glendora Heights Orange and Lemon Growers Association | .0745 |
| Gold Buckle Association | .6353 |
| La Verne Orange Association | .6307 |
| Anaheim Citrus Fruit Association | 1.3444 |
| Anaheim Valencia Orange Association | 1.4661 |
| Eadington Fruit Company, Inc | 2.0974 |
| Fullerton Mutual Orange Association | 1.7023 |
| La Habra Citrus Association | 1.1246 |
| Orange County Valencia Association | .7749 |
| Orangethorpe Citrus Association | 1.2329 |
| Placentia Coop. Orange Association | .7527 |
| Yorba Linda Citrus Association, The | .6060 |
| Alta Loma Heights Citrus Association | .0918 |
| Citrus Fruit Growers | .1392 |
| Cucamonga Citrus Association | .1500 |
| Etiwanda Citrus Fruit Association | .0410 |
| Old Baldy Citrus Association | .1295 |
| Rialto Heights Orange Growers | .0933 |
| Upland Citrus Association | .3933 |
| Upland Heights Orange Association | .1477 |
| Consolidated Orange Growers | 1.9194 |
| Frances Citrus Association | 1.6879 |
| Garden Grove Citrus Association | 1.7477 |
| Goldenwest Citrus Association, The | 1.6091 |
| Irvine Valencia Growers | 2.3977 |
| Olive Heights Citrus Association | 1.6678 |
| Santa Ana-Tustin Mutual Citrus Association | 1.0549 |
| Santiago Orange Growers Association | 3.7178 |
| Tustin Hills Citrus Association | 1.8022 |
| Villa Park Orchards Association, The | 1.8348 |
| Andrews Bros. of Calif | .4686 |
| Bradford Bros., Inc | .7500 |
| Placentia Mutual Orange Association | 1.7005 |
| Placentia Orange Growers Association | 2.9845 |
| Call Ranch | .0707 |
| Corona Citrus Association | .4464 |
| Jameson Co | .0381 |
| Orange Heights Orange Association | .3580 |
| Break & Son, Allen | .0551 |
| Bryn Mawr Fruit Growers Association | .2574 |
| Crafton Orange Growers Association | .4151 |
| E. Highlands Citrus Association | .0836 |
| Fontana Citrus Association | .0833 |
| Highland Fruit Growers Association | .0494 |
| Krinard Packing Co | .2682 |
| Mission Citrus Association | .1235 |
| Redlands Cooperative Fruit Association | .3956 |
| Redlands Heights Groves | .4221 |
| Redlands Orange Growers Association | .2541 |
| Redlands Orangedale Association | .2758 |
| Redlands Select Groves | .1568 |
| Rialto Citrus Association | .1465 |
| Rialto Orange Co | .1460 |
| Southern Citrus Association | .2011 |
| United Citrus Growers | .1406 |
| Zilen Citrus Co | .0405 |
| Andrews Bros. of Calif | .1390 |
| Arlington Heights Fruit Co | .1127 |
| Brown Estate, L. V. W | .1283 |
| Gavilan Citrus Association | .1501 |
| Hemet Mutual Groves | .1091 |
| Highgrove Fruit Association | .0754 |
| McDermont Fruit Co | .1660 |
| Mentone Heights Association | 0.0652 |
| Monte Vista Citrus Association | .2170 |
| National Orange Co | .0397 |
| Riverside Heights Orange Growers Association | .0850 |
| Sierre Vista Packing Association | .0570 |
| Victoria Avenue Citrus Association | .1708 |
| Claremont Citrus Association | .1434 |
| College Heights Orange and Lemon Association | .2147 |
| El Camino Citrus Association | .0801 |
| Indian Hill Citrus Association | .1782 |
| Pomona Fruit Growers Exchange | .3450 |
| Walnut Fruit Growers Association | .4193 |
| West Ontario Citrus Association | .3512 |
| El Cajon Valley Citrus Association | .3038 |
| Escondido Orange Association | 2.3469 |
| San Dimas Orange Growers Association | .4884 |
| Covina Citrus Association | 1.1402 |
| Covina Orange Growers Association | .3857 |
| Duarte-Monrovia Fruit Exchange | .1551 |
| Santa Barbara Orange Association | .0496 |
| Ball & Tweedy Association | .5932 |
| Canoga Citrus Association | .7515 |
| N. Whittier Heights Citrus Association | .8267 |
| San Fernando Fruit Growers Association | .4254 |
| San Fernando Heights Orange Association | .9248 |
| Sierra Madre-Lamanda Citrus Association | .2052 |
| Camarillo Citrus Association | 1.4401 |
| Fillmore Citrus Association | 3.4290 |
| Mupu Citrus Association | 2.4279 |
| Ojai Orange Association | .8323 |
| Piru Citrus Association | 1.8340 |
| Santa Paula Orange Association | .9609 |
| Tapo Citrus Association | .8652 |
| Limoneira Co | .3824 |
| E. Whittier Citrus Association | .3884 |
| El Ranchito Citrus Association | 1.1046 |
| Murphy Ranch | .4158 |
| Rivera Citrus Association | .5255 |
| Whittier Citrus Association | .7678 |
| Whittier Select Citrus Association | .4812 |
| Anaheim Cooperative Orange Association | 1.4897 |
| Bryn Mawr Mutual Orange Association | .0911 |
| Chula Vista Mutual Lemon Association | .0884 |
| Escondido Cooperative Citrus Association | .3207 |
| Euclid Avenue Orange Association | .4105 |
| Foothill Citrus Union, Inc | .0320 |
| Fullerton Coop. Orange Association | .5080 |
| Garden Grove Orange Coop., Inc | .7530 |
| Glendora Coop. Citrus Association | .0543 |
| Golden Orange Groves, Inc | .3637 |
| Highland Mutual Groves | .0292 |
| Index Mutual Association | .2053 |
| La Verne Coop. Citrus Association | 1.8066 |
| Olive Hillside Groves | .6274 |
| Orange Coop. Citrus Association | 1.2483 |
| Redlands Foothill Groves | .5715 |
| Redlands Mutual Orange Association | .1594 |
| Riverside Citrus Association | .0281 |
| Ventura County Orange and Lemon Association | .7948 |
| Whittier Mutual Orange and Lemon Association | .2251 |
| Babijuice Corp. of California | .5527 |
| Banks Fruit Co | .2549 |
| Banks, L. M | .5032 |
| Borden Fruit Co | .9800 |
| California Fruit Distributors | .1572 |
| Cherokee Citrus Co., Inc | .1548 |
| Chess Company, Meyer W | .2613 |
| Escondido Avocado Growers | .0211 |
| Evans Bros. Packing Co | .1846 |
| Gold Banner Association | .2841 |
| Granada Hills Packing Co | 0.0605 |
| Granada Packing House | 1.6689 |
| Hill, Fred A | .0737 |
| Inland Fruit Dealers | .0518 |
| Mills, Edward | .0115 |
| Orange Belt Fruit Distributors | 2.4006 |
| Panno Fruit Company, Carlo | .0407 |
| Paramount Citrus Association | .4719 |
| Placentia Orchards Co | .5602 |
| San Antonio Orchards Co | .4693 |
| Santa Fe Groves Co | .0488 |
| Snyder & Sons Co., W. A | .7022 |
| Stephens, T. F | .0841 |
| Sunny Hills Ranch, Inc | .1138 |
| Ventura County Citrus Association | .0187 |
| Verity & Sons Co., R. H | .0347 |
| Wall, E. T | .1302 |
| Webb Packing Co | .3021 |
| Western Fruit Growers, Inc., Ana | .0178 |
| Western Fruit Growers, Inc., Reds | .5966 |
| Yorba Orange Growers Association | .7274 |

[F. R. Doc. 47-7965; Filed, Aug. 22, 1947; 8:48 a. m.]

## Chapter XIV—Production and Marketing Administration (School Lunch Program)

PART 1800—REGULATIONS AND PROCEDURES

MINIMUM NUTRITIONAL REQUIREMENTS FOR PUERTO RICO AND VIRGIN ISLANDS

Section 1800.3, *Type A Lunch*, and § 1800.4, *Type B Lunch*, are amended by adding at the end of each the following new paragraph: [1]

In participating schools in Puerto Rico and the Virgin Islands (including certified child care centers in Puerto Rico), variations from the requirements prescribed for this type of lunch will be permitted as follows: the milk requirement may be met by serving as a beverage either whole fluid, whole evaporated, or reconstituted whole or nonfat dry milk, which meets the minimum sanitation requirements of local laws; a serving of rice or a starchy vegetable, such as tanniers, yams, plantains, or sweet potatoes, may be substituted for the bread required; and the minimum amount of butter or fortified margarine required in the lunch may be reduced by one-half of the prescribed amount.

Section 1800.5, *Type C Lunch*, is amended by adding at the end thereof the following new paragraph:

In Puerto Rico and the Virgin Islands (including certified child care centers in Puerto Rico), the Type C lunch may con-

[1] These amendments are issued because of the shortage in Puerto Rico and the Virgin Islands of fresh fluid milk, butter, and fortified margarine, and because of the natural restrictions upon the variety of food that may be served. The high vitamin A content of green and yellow vegetables consumed in the usual diet of school children in Puerto Rico and the Virgin Islands is a satisfactory substitute for the vitamin A provided by whole fluid milk and by butter or fortified margarine. It has been determined, on the basis of tested nutritional research, that the nutritional objectives of the act will be furthered by these amendments.

sist of one-half pint of whole fluid, whole evaporated, or reconstituted whole or nonfat dry milk, which meets the minimum sanitation requirements of local laws, as a beverage.

(60 Stat. 230)

The foregoing amendments shall be effective as of July 1, 1947.

Dated: August 19, 1947.

[SEAL] CHARLES F. BRANNAN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 47-7906; Filed, Aug. 22, 1947; 8:46 a. m.]

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APPENDIX TO CHAPTER XIV—REAPPORTIONMENT OF NONFOOD ASSISTANCE FUNDS

Pursuant to sections 4 and 5 of the National School Lunch Act (60 Stat. 230), nonfood assistance funds available for the fiscal year ending June 30, 1947, are reapportioned among the several States as follows:

| State | Total | State agency | Withheld for private schools |
|---|---|---|---|
| Alabama | $401,360.77 | $393,996.76 | $7,364.01 |
| Arizona | 58,631.76 | 56,503.96 | 2,127.80 |
| Arkansas | 276,434.12 | 271,257.13 | 5,176.99 |
| California | 334,150.35 | 334,150.35 | |
| Colorado | 83,926.96 | 77,409.67 | 6,517.29 |
| Connecticut | 75,200.03 | 75,200.03 | |
| Delaware | 11,926.42 | 11,926.42 | |
| Dist. of Columbia | 35,949.11 | 35,949.11 | |
| Florida | 165,600.95 | 160,779.02 | 4,821.93 |
| Georgia | 384,509.64 | 384,509.64 | |
| Idaho | 41,380.45 | 40,158.57 | 1,221.88 |
| Illinois | 391,330.65 | 391,330.65 | |
| Indiana | 212,057.07 | 212,057.07 | |
| Iowa | 171,323.36 | 154,240.04 | 17,083.32 |
| Kansas | 117,673.31 | 117,673.31 | |
| Kentucky | 343,508.79 | 343,508.79 | |
| Louisiana | 270,967.82 | 270,967.82 | |
| Maine | 52,075.88 | 51,064.96 | 1,010.92 |
| Maryland | 117,694.59 | 98,656.66 | 19,037.93 |
| Massachusetts | 208,139.18 | 174,238.78 | 33,900.40 |
| Michigan | 304,512.93 | 262,615.76 | 41,897.17 |
| Minnesota | 167,112.38 | 140,000.00 | 27,112.38 |
| Mississippi | 374,371.49 | 374,371.49 | |
| Missouri | 227,182.46 | 227,182.46 | |
| Montana | 32,825.50 | 30,356.19 | 2,469.31 |
| Nebraska | 92,221.60 | 83,700.51 | 8,521.09 |
| Nevada | 7,321.51 | 7,173.63 | 147.88 |
| New Hampshire | 37,843.43 | 37,843.43 | |
| New Jersey | 191,072.23 | 158,502.25 | 32,569.98 |
| New Mexico | 69,715.88 | 63,351.39 | 6,364.49 |
| New York | 538,805.09 | 538,805.09 | |
| North Carolina | 482,961.75 | 482,961.75 | |
| North Dakota | 50,393.78 | 47,834.38 | 2,559.40 |
| Ohio | 314,643.37 | 266,487.74 | 48,155.63 |
| Oklahoma | 210,442.63 | 210,442.63 | |
| Oregon | 57,818.33 | 57,818.33 | |
| Pennsylvania | 605,858.86 | 469,306.58 | 116,552.28 |
| Rhode Island | 37,466.03 | 37,466.03 | |
| South Carolina | 291,141.53 | 288,626.87 | 2,484.66 |
| South Dakota | 53,635.67 | 50,181.73 | 3,453.94 |
| Tennessee | 329,341.48 | 324,786.30 | 4,555.18 |
| Texas | 606,824.98 | 606,824.98 | |
| Utah | 53,580.13 | 52,919.23 | 660.90 |
| Vermont | 26,038.84 | 26,038.84 | |
| Virginia | 267,732.62 | 262,314.43 | 5,418.19 |
| Washington | 83,597.86 | 78,196.51 | 5,401.35 |
| West Virginia | 210,195.25 | 206,191.18 | 4,004.07 |
| Wisconsin | 202,304.09 | 160,129.21 | 42,174.88 |
| Wyoming | 19,227.09 | 19,227.09 | |
| Alaska | 1,116.84 | 1,116.84 | |
| Hawaii | 9,570.33 | 7,856.04 | 1,714.29 |
| Puerto Rico | 284,390.91 | 284,390.91 | |
| Virgin Islands | 4,921.92 | 4,921.92 | |
| Total | 10,000,000.00 | 9,545,520.46 | 454,479.54 |

(60 Stat. 230)

Dated: August 19, 1947.

[SEAL] CHARLES F. BRANNAN,
*Acting Secretary of Agriculture.*

[F. R. Doc. 47-7905; Filed, Aug. 22, 1947; 8:46 a. m.]

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# TITLE 24—HOUSING CREDIT

## Chapter V—Federal Housing Administration

PART 502—PROPERTY IMPROVEMENT LOANS

Part 502 of the regulations of the Federal Housing Commissioner governing property improvement loans, effective July 1, 1947, is amended to read as follows:

Sec.
502.1 Citation.
502.2 Definitions.
502.3 Eligible borrowers.
502.4 Eligible improvements.
502.5 Credits.
502.6 Eligible interest bearing loans.
502.7 Eligible discount loans.
502.8 Loan procedure.
502.9 Refinancing.
502.10 Claims.
502.11 Insurance charge.
502.12 Insurance reserve.
502.13 Administrative reports and examination.

AUTHORITY: §§ 502.1 to 502.13, inclusive, issued under 53 Stat. 804, 805, 55 Stat. 364, 365, 56 Stat. 305, 57 Stat. 571; and Pub. Law 120, 80th Cong., 12 U. S. C. and Sup., 1703.

§ 502.1 *Citation.* Part 502 applicable to Class 3 Loans, may be cited as "Part 502 of the regulations of the Federal Housing Commissioner Governing Class 3 Loans, effective July 1, 1947".

§ 502.2 *Definitions.* As used in the regulations in this part:

(a) "Act" means the National Housing Act, as amended.

(b) "Administration" means the Federal Housing Administration.

(c) "Commissioner" means the Federal Housing Commissioner or his duly authorized representative.

(d) "Contract of insurance" includes all of the provisions of the regulations in and of the applicable provisions of the act.

(e) "Insured" means any financial institution holding a Contract of Insurance under Title I of the act.

(f) "Loan" and "Class 3 Loan" mean any loan made under the regulations in this part for the purpose of financing the construction of a new structure to be used in whole or in part for residential purposes.

(g) "Borrower" means one who is an eligible owner or lessee of real property upon which a new structure is to be or has been constructed pursuant to the provisions of the act and the regulations in this part and who applies for and receives an advance of credit in reliance upon the provisions of the act and the regulations in this part.

(h) "Installment payment" includes that deposit to an account or fund which represents the partial repayment of a loan.

(i) "Mortgage" includes a note, bond, deed of trust, or other evidence of indebtedness or security instrument taken in connection with a Class 3 Loan.

(j) "Class 3 Structure" means a structure, the construction of which is financed with the proceeds of an eligible Class 3 Loan.

(k) "Discount loan" means a loan made on a discount, gross charge, or non-interest-bearing basis.

(l) "Interest bearing loan" means a loan represented by a note payable in monthly instalments bearing simple interest on the principal outstanding from time to time.

§ 502.3 *Eligible borrowers.* A borrower in order to be eligible for a Class 3 Loan:

(a) *Eligible owners or lessees.* Shall be (1) the fee simple owner of unencumbered land upon which the new structure is to be built or (2) the lessee of such unencumbered lands under a lease from the United States Government for a term of at least six (6) months beyond the maturity of the loan or (3) the lessee of such unencumbered land under a lease for ninety-nine (99) of such unencumbered land under a lease which has fifty (50) years to run from the date the mortgage is executed. If the borrower is a lessee the provisions of the lease shall be submitted to and approved by the Commissioner. Any lease other than a lease from the United States Government must provide for an annual rental not in excess of five per centum (5%) of the valuation placed upon the unimproved land by the insured and shall contain a provision which will entitle the lessee to obtain a fee simple title to such land upon payment at any time after one (1) month's written notice of a sum not in excess of the appraised valuation placed upon such land at the time the loan is made. If the parties so desire the lease may provide for the deferment of such right to obtain the fee simple title for a period not to exceed five (5) years from the date of the mortgage; but in any event the lease must contain a provision giving the Federal Housing Commissioner the option to purchase the fee simple title upon sixty (60) days' written notice to the lessor in the event the Commissioner acquires the interest of the lessee pursuant to the provisions of the regulations in this part.

(b) *Borrowers equity.* Shall establish to the satisfaction of the insured by certification on the credit application provided for in § 502.5 that after the mortgage, deed of trust, or similar instrument has been recorded, the property will be free and clear of all liens other than such mortgage, deed of trust, or similar instrument, except taxes and ground rents not due and payable and special assessments not in arrears, and that in addition to the loan he has an investment in the property in cash, in land, or an interest in the land in an amount equal to five per centum (5%) of the appraised value of the completed property as determined under § 502.8 (b).

§ 502.4 *Eligible improvements*—(a) *Purpose.* A loan must be for the purpose of financing the construction of a Class 3 structure and appurtenances thereto located within the United States, its territories and possessions, and which is commenced on or after August 19, 1947, in reliance upon the credit facilities afforded by Title I of the National Housing Act, as amended, and which conforms to the following requirements relating to the land and improvements thereon:

(1) The development and use of land shall not violate any zoning or deed restrictions applicable to the project site and must comply with all applicable building regulations.

(2) The land shall comprise a single plot of not less than 4000 square feet.

(3) Vehicular access to the property shall be provided by a public street or way or private means protected by a permanent easement.

(4) Grading or drainage shall divert water away from buildings and off the site.

(5) The structure shall be limited in design to single family occupancy.

(6) The structure shall have a living room which may contain space for cooking and dining, and at least one separate room designed for sleeping purposes. The total floor area shall not be less than 360 square feet.

(7) All rooms, including bathrooms, if any, shall be provided with one or more windows to permit adequate natural light and ventilation.

(8) Where winter house heating by means other than electricity is the established custom, a safe means of disposing of the products of combustion to the outside air shall be provided.

(9) Each single family unit shall be provided with an on-site supply of safe and palatable water. Where public or community water service is available to the subject property, it shall be connected with the structure and with the fixtures required in subparagraph (12) of this paragraph.

(10) Each single family unit shall be provided with a sanitary means of sewage disposal. Where public or community sewerage is available to the property, connection shall be made thereto and to the fixtures required in subparagraph (12) of this paragraph.

(11) Where individual water supply and sewerage systems are used, the installations shall conform with local sanitary regulations for such individual systems. Where on-site well or cistern supply equipped with a pump and an on-site sanitary pit privy are used when this conforms with the established custom of the neighborhood, the installation shall comply with the recommendations of the local Department of Health or in the absence of such recommendations with the U. S. Public Health Service publications "Rural Water Supply Sanitation" or "Individual Sewage Disposal Systems." Evidence of compliance shall be secured from the health authority having jurisdiction and the insured may rely upon such evidence as establishing compliance with this subparagraph.

(12) Where connection with a public or community water and sewage disposal system is made as required in subparagraphs (9) and (10) of this paragraph, a kitchen sink and bathroom with bathtub or shower, water closet and lavatory shall be provided. This requirement also applies when an individual water-carriage sewage disposal system is installed on the property. When disposal is by sanitary pit privy, the water closet and lavatory may be omitted and the other fixtures shall be connected with a dry well. When water is provided by a well or cistern supply and a privy is used, all bathroom fixtures may be omitted.

(13) Where electricity is available, connection shall be made thereto.

(14) In the case of a loan which is for the purpose of financing the building of a Class 3 structure for sale or for rent, the borrower shall certify to the insured that the footings, foundations, columns, and structural elements of load bearing sections of the structure, including exterior walls, interior partitions, floors, ceilings, roofs and, when included, heating, plumbing and electrical installations comply with the Federal Housing Administration minimum construction requirements contained in the "Minimum Property Requirements for Properties of One or Two Living Units" for the area in which the property is located.

(15) The above conditions may be varied under special circumstances and in certain areas upon prior approval of the Commissioner.

(b) *Unfinished structures.* The proceeds of a loan shall not be used to finance the cost of completing an unfinished structure, unless the unfinished structure was begun under a Class 3 Loan, in which case the total of all such loans shall not exceed $3,000.

(c) *Architectural services.* The proceeds of a loan may be used to pay for architectural and engineering services and builders' profit in connection with the building of new structures financed in accordance with the regulations in this part.

(d) *Refinancing existing obligations prohibited.* The proceeds of a loan shall not be used for the purpose of refinancing existing obligations not previously made or reported for insurance pursuant to the regulations in this part.

§ 502.5 *Credits*—(a) *Credit application.* Prior to making a loan the insured shall obtain a dated credit application executed by the borrower on a form approved by the Commissioner. A separate credit application is required for each loan made or mortgage purchased.

(b) *Credit investigation.* The credit application, supplemented by such other information as the insured deems necessary, must, in the judgment of the insured, clearly show the borrower to be solvent, with reasonable ability to pay the obligation and in other respects a reasonable credit risk. If, after the loan is made, an insured who acted in good faith discovers any material misstatements or misuse of the proceeds of the loan by the borrower, dealer, or others, the eligibility of the mortgage for insurance will not be affected. However, the insured shall promptly report such discovery to the Commissioner.

(c) *Reliance on credit application.* An insured acting in good faith may, in the absence of information to the contrary, rely upon all statements of fact made by the borrower which are called for by the borrower's credit application.

(d) *Outstanding FHA and direct Federal obligations.* The proceeds of a loan shall not be disbursed if the insured has knowledge that the borrower is past due more than fifteen (15) days as to either principal or interest with respect to an obligation owing to, or insured by, any department or agency of the Federal Government, *Provided,* That nothing contained herein shall prevent the making of a loan otherwise eligible, even though the borrower is in default under such an obligation by reason of his military service and the approval of the Commissioner is obtained.

(e) *Past due Title I mortgages at time of purchase.* A mortgage shall not be purchased when any instalment thereon is past due more than fifteen (15) days at the date of purchase except purchases of mortgages under the provisions of § 502.12.

(f) *Collections.* The insured is required to service loans in accordance with acceptable practices of prudent lending institutions. In the event of default, the insured should have adequate facilities for contacting the borrower and otherwise exercise diligence in collecting the amount due. The insured is responsible to the Commissioner for proper collection efforts even though actual collection may be performed by an agent.

§ 502.6 *Eligible interest bearing loans*—(a) *Mortgage provisions.* In order to be eligible for insurance a loan shall be secured by collateral security in the form of a duly recorded first mortgage, first deed of trust, or similar instrument which constitutes a first lien upon a fee simple or leasehold interest in the land and buildings, appurtenances, and improvements thereon and which:

(1) Is in a form approved by the Commissioner for use in the jurisdiction in which the property covered by the mortgage, deed of trust, or similar instrument is situated and involves a principal amount not in excess of $3,000.

(2) Shall provide for interest at such rate as may be agreed upon between the borrower and the insured but in no case shall such interest be in excess of 4½% per annum on the outstanding principal. Interest and principal shall be payable in monthly instalments (or other periodic instalments as provided in subparagraph (11) of this paragraph. In the event interest is payable in instalments corresponding to the income periods shown on the credit application, such interest payments may be required in advance for each instalment period.)

(3) May provide for payments by the borrower to the insured on each instalment payment date of an amount equal to the annual insurance charge payable by the insured to the Commissioner, divided by the number of instalment payment dates to elapse prior to the date such charge is due and payable to the Commissioner.

(4) Shall provide for such equal payments by the borrower to the insured on each instalment payment date as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums, within a period ending one month prior to the date on which same become delinquent. Such payments shall be held by the insured in a manner satisfactory to the Commissioner for the purpose of

paying such ground rents, taxes, assessments, and insurance premiums before the same become delinquent for the benefit and account of the borrower. The mortgage shall also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums should prove to be more or less than the actual amount thereof so paid by the insured.

(5) Shall contain a privilege of prepayment in full or in amounts equal to one or more instalment payments on the principal that are next due on the mortgage at any interest payment date upon thirty (30) days' prior notice and without premium or penalty.

(6) Shall provide that all instalment payments to be made by the borrower to the insured shall be added together and the aggregate amount thereof shall be applied to the following items in the order set forth:

(i) Insurance charges due the Federal Housing Commissioner.

(ii) Ground rents, taxes, special assessments, and fire and other hazard insurance premiums.

(iii) Interest on the loan.

(iv) Amortization of the principal of the loan.

(7) May provide for a late charge to be paid by the borrower, not to exceed two cents (2¢) for each dollar for each instalment payment more than fifteen (15) days in arrears. No late charge may be accrued in excess of $5.00. The borrower must be billed for the penalties collected as such, and evidence of such billings must be in the file if claim is made under the contract of insurance.

(8) Shall contain a provision for acceleration of maturity at the option of the holder in the event of default.

(9) Shall not have a final maturity in excess of twenty (20) years and five (5) calendar months.

(10) Shall provide for not more than two hundred and forty (240) monthly payments which shall fall due on the first day of a month and the first such payment shall fall due not less than six (6) days nor more than six (6) calendar months from the date of the mortgage, except as provided in subparagraph (11) of this paragraph.

(11) In instances in which the credit application of the borrower indicates that not less than fifty-one per centum (51%) of the income of the borrower is derived directly from the sale of agricultural crops, commodities or livestock produced by him, the mortgage may provide, in lieu of monthly instalments, for substantially equal instalment payments corresponding to the income periods shown on the credit application; *Provided, however,* That the first payment must be within twelve (12) months of the date of the mortgage and that at least one payment must be made during each calendar year thereafter.

(b) *Borrowers payments.* The borrower must pay to the insured, upon the execution of the mortgage, a sum that will be sufficient to pay premiums on fire and other insurance required by the insured pursuant to the terms of the mortgage, and ground rents, if any, and estimated taxes, special assessments, drainage, and irrigation charges applicable to the period beginning on the date to which such ground rents, taxes, assessments, and charges were last paid and ending on the date of the first periodic payment under the mortgage. The borrower, at such time, may also be required to pay a sum equal to the first annual insurance charge plus an amount equal to one-twelfth (1/12) of the annual insurance charge multiplied by the number of months to elapse from the date of the closing of the loan to the date of the first periodic payment, and if the mortgage provides for payment of interest in advance, interest to the due date of the first periodic payment thereunder. The insured may charge the borrower any fees paid to the Administration and an initial service charge in an amount sufficient to reimburse the insured for the cost of closing the transaction, including appraisal and construction inspection fees but in no case shall the amount of such service charge be in excess of 2% of the original principal amount of the loan.

(c) *Recording fees and title costs.* In addition to the charges hereinbefore mentioned the insured may collect from the borrower only recording fees and such costs of title search as are customary in the community.

§ 502.7 *Eligible "discount" loans.* (a) A "discount" loan shall be secured by collateral security in the form of a duly recorded first mortgage, first deed of trust or other similar instrument, which is approved as to form by the Commissioner and which constitutes a first lien upon a fee simple or leasehold interest in the land and buildings, appurtenances, and improvements thereon and:

(1) Shall not be in excess of $3,000 exclusive of financing charges to the borrower.

(2) Shall not have a maturity in excess of twenty (20) years and five (5) calendar months.

(3) May provide for a maximum financing charge to be paid by the borrower for interest, discount, and fees of all kinds, other than those referred to in subparagraph (4) of this paragraph and paragraphs (b) and (c) of this section, in connection with the transaction not in excess of an amount based on tables of calculations issued by the Federal Housing Commissioner, and intended to provide a financing charge equivalent to that permitted by the regulations in this part as to interest-bearing loans. The acceptance of a voluntary payment of one or more instalments prior to due date shall not be construed as increasing the maximum permissible financing charge as provided in this subparagraph. However, if the entire loan is paid in advance, the insured shall make a rebate of the entire unearned financing charge.

(4) Shall provide for such equal monthly payments by the borrower to the insured institution as will amortize the ground rents, if any, and the estimated amount of all taxes, special assessments, if any, and fire and other hazard insurance premiums within a period ending one month prior to the date on which same become delinquent. In such event the note shall further provide that such payments shall be held by the insured institution in a manner satisfactory to the Commissioner for the purpose of paying such ground rents, taxes, assessments, and insurance premiums before the same become delinquent for the benefit and account of the borrower and shall also make provision for adjustments in case the estimated amount of such taxes, assessments, and insurance premiums shall prove to be more or less than the actual amount thereof so paid by the borrower. If the income of the borrower is derived from the sale of agricultural crops, commodities, or livestock, payments may be seasonal as provided in subparagraph (7) of this paragraph.

(5) May provide for a late charge, to be paid by the maker, not to exceed two cents (2¢) for each dollar of each instalment more than fifteen (15) days in arrears. In lieu of late charges, notes may provide for interest on past due instalments at a rate not in excess of the contract rate in the jurisdiction in which the note is drawn. No late charge or interest on a past due instalment may be accrued in excess of five dollars ($5.00). The borrower must be billed for the penalties collected as such, and evidence of such billing must be in the file if claim is made under the contract of insurance.

(6) May not provide for a first payment less than six (6) days nor more than six (6) calendar months from the date of the note except as provided in subparagraph (7) of this paragraph and in no case shall provide for more than two hundred and forty (240) payments.

(7) May be made payable in instalments corresponding to the income periods shown on the credit application if fifty-one per centum (51%) or more of the income of the borrower is derived directly from the sale of agricultural crops, commodities, or livestock produced by him. In such cases, the first payment must be made within twelve (12) months of the date of the note and at least one (1) payment must be made during each calendar year thereafter and the proportion of total principal to be paid in later years must not exceed the proportion of total principal payment in earlier years.

(8) Shall contain a provision for acceleration of maturity, either automatic or at the option of the holder, in the event of default in the payment of any instalment.

(b) In addition to the maximum permissible financing charge which may be paid by the borrower in connection with a Class 3 loan as provided in paragraph (a) (3) of this section, the following allowable costs or expenses if incurred by the insured institution in connection with the transaction may be collected from the borrower, provided such costs or expenses are not paid from the net proceeds advanced to the borrower:

(1) Recording fees.

(2) Title examination fees.

(3) Fire and other hazard insurance premiums.

(4) An initial service charge in an amount sufficient to reimburse the in-

sured institution for the cost of closing the transaction, *Provided*, That, no such service charge shall exceed two per centum (2%) of the net proceeds of the loan.

(c) The borrower may be required to pay the insured institution upon the closing of the loan a sum that will be sufficient to pay the ground rents, if any, and the estimated taxes, special assessments, and fire and other hazard insurance premiums for the period beginning on the date to which such ground rents, taxes, assessments, and insurance premiums were last paid and ending on the date of the first monthly payment under the loan to be held by the insured institution for the purpose of paying such ground rents, taxes, assessments, and insurance premiums before the same become delinquent for the benefit and account of the borrower.

§ 502.8 *Loan procedure*—(a) *Property approval.* Prior to beginning construction and to the disbursement of any portion of the proceeds of the loan, the borrower shall submit to the insured a description of the property and such plans and specifications as the insured may require in order for the insured to certify to the Commissioner that in its opinion the site is suitable for a home and the proposed structure when completed will not adversely affect surrounding properties. Such property description, plans and specifications shall remain a permanent part of the loan file.

(b) *Appraisal.* Prior to beginning construction and to the disbursement of any portion of the proceeds of the loan, the insured shall make an estimate of the value of the property, assuming completion of the proposed improvements, and determine that the requirements of § 502.3 (b) will be complied with.

(c) *Commissioner's approval on properties for sale or rent.* Prior to beginning construction and to the disbursement of any portion of the proceeds of the loan for any property which is intended for sale or rent, the insured shall submit to the Commissioner a request for preliminary approval of the transaction on a form prescribed by the Commissioner. The approval of the Commissioner provided for in this section shall not relieve the insured from compliance with any regulation.

(d) *Progress payments.* Prior to disbursing the proceeds of the loan or any portion thereof to the borrower or to a creditor for his account, the insured shall satisfy itself that the value of the work done and materials on site at the time of any progress payment, is equal to at least one hundred and ten per centum (110%) of such payment, plus all such progress payments theretofore made. The insured shall not make a disbursement or progress payment to the borrower or to a creditor for his account which would increase the total amount disbursed to a sum in excess of 80 per centum (80%) of the proceeds of the loan until it has made a final inspection of the property and has approved the work. Whenever it appears to the satisfaction of the insured that completion of the work will be temporarily delayed due to inclement weather, non-availability of material, or other reason beyond the control of the builder, it may disburse the entire balance remaining of the loan proceeds after deducting and retaining therefrom one and one-half (1½) times the amount deemed necessary to complete the work. This retained balance shall not be disbursed until after the work has been inspected and approved by the insured.

(e) *Completion certificate.* Prior to the final disbursement of the proceeds of the loan, the insured shall obtain a completion certificate on a form prescribed by the Commissioner which form shall bear the genuine signature of the borrower certifying that the house is complete and ready for occupancy and that the work has been performed in compliance with the requirements of § 502.4. If, after the loan is made, an insured who acted in good faith discovers any material misstatements or misuse of the proceeds of the loan by the borrower, dealer, or others, the eligibility of the note for insurance will not be affected. However, the insured shall, in all cases where the insured discovered a material misstatement in the Credit Application, or misuse of the funds, promptly report such a discovery to the Commissioner. A separate certificate shall be executed by the insured certifying that it has made a final inspection of the completed property and that the statements contained in the borrower's completion certificate are correct to the best of its knowledge and belief and that in its opinion the property improved is suitable as a residence and does not adversely affect surrounding properties.

(f) *Substitution of borrowers.* In the event that property covered by a loan is sold to an eligible borrower who assumes and agrees to pay the debt and whose credit is satisfactory to the insured, the seller may be released by the insured from his obligation upon notice thereof to the Commissioner, *Provided*, That, if the loan was secured by a first lien upon a fee simple estate, the loan, after assumption, shall be secured by a first lien on a fee simple interest in the land and building, appurtenances and improvements thereon.

(g) *Loan reports.* Loans shall be reported on the proper form to the Federal Housing Administration at Washington, D. C., within thirty-one (31) days of the first disbursement of any of the proceeds of the loan or the date upon which it was purchased. Any loan refinanced in accordance with § 502.9 shall be reported on the proper form within thirty-one (31) days from the date of refinancing. In any case, the Commissioner may in his discretion accept a late report.

§ 502.9 *Refinancing.* New obligations to liquidate loans previously reported for insurance pursuant to Title I of the act made after August 19, 1947, which may or may not include an additional amount advanced will be covered by insurance, *Provided*, That:

(a) They meet the requirements of all applicable regulations;

(b) They are reported to the Commissioner on the proper form within thirty-one (31) days from date of execution;

(c) They have a maturity not in excess of the maximum permitted under the regulations in this part from the date of the refinancing obligation, but not to exceed thirty (30) years from the date of the original mortgage;

(d) If the refinanced obligation was secured by a first lien upon a fee simple estate, the new obligation shall be secured by a first lien upon a fee simple interest in the land and building, appurtenances and improvements thereon.

§ 502.10 *Claims.* Claim for reimbursement for loss on a qualified loan shall be made as provided in this section.

(a) *Default reports.* If the borrower fails to make any payment or to perform any other covenant or obligation under the mortgage and such failure continues for a period of thirty (30) days, the mortgage shall be considered in default and the insured shall within sixty (60) days thereafter give notice in writing to the Commissioner of such default, and similar notices each sixty (60) days until such default is cured and notice thereof is given to the Commissioner.

(b) *Foreclosure or acquisition.* At any time within one year from the date of default the insured, at its election, shall either:

(1) Acquire by means other than foreclosure of the mortgage, possession of, and title to, the mortgaged property; or

(2) Commence foreclosure of the mortgage: *Provided*, That if the laws of the State in which the mortgaged property is situated do not permit the commencement of such foreclosure within such period of time, the insured shall commence such foreclosure within sixty (60) days after the expiration of the time during which such foreclosure is prohibited by such laws.

(3) Nothing herein contained shall be construed so as to prevent the insured, with the written consent of the Commissioner, from taking action at a later date than herein specified.

(c) *Reinstatement.* If after default and prior to the completion of foreclosure proceedings the borrower shall pay to the insured all monthly payments in default and such expenses as the insured shall have incurred in connection with the foreclosure proceedings, no claim for reimbursement under the Contract of Insurance can be made and the insurance shall continue as if such default had not occurred.

(d) *Filing claim.* If the default is not cured as aforesaid, and if the insured has otherwise complied with the provisions of this section, it may at any time within seven (7) months or such further time as may be approved by the Commissioner, after acquiring title to and possession of the mortgaged property, tender to the Commissioner possession thereof, and a deed containing a covenant which warrants against the acts of the insured and all claiming by, through, or under it, conveying good merchantable title to such property undamaged by fire, earthquake, flood, or tornado. The Commissioner shall promptly accept conveyance of such property and, subject to § 502.12, make payment of loss sustained by the insured:

(1) The net unpaid balance of advance actually made;

(2) Uncollected earned interest to the date of default and interest at the rate of three per centum (3%) per annum from the date of default to the date of the application for reimbursement of loss sustained.

(3) An amount on account of the cost of foreclosure or of acquiring the property by other means actually paid by the insured and approved by the Commissioner not in excess of two-thirds (⅔) of such cost or seventy-five (75) dollars, whichever is the greater.

(4) The amount of all payments which have been made by the insured for taxes, ground rents, special assessments, and water rates which are liens prior to the mortgage, and fire and hazard insurance premiums.

Any amount received by the insured from any source relating to the property on account of rent or other income, after deducting reasonable expenses incurred in handling the property, shall be deducted from the sum of the foregoing.

(e) *Evidence of title.* Evidence of title of the following types will be satisfactory to the Commissioner.

(1) A fee or owner's policy of title insurance, a guaranty or guarantee of title, or a certificate of title, issued by a title company, duly authorized by law and qualified by experience to issue such; or

(2) An abstract of title prepared by an abstract company or individual engaged in the business of preparing abstracts of title and accompanied by a legal opinion as to the quality of such title signed by an attorney at law experienced in examination of titles; or

(3) A Torrens or similar title certificate; or

(4) Evidence of title conforming to the standards of a supervising branch of the Government of the United States or of any State or Territory thereof.

Such evidence of title shall be furnished without cost to the Commissioner and shall be executed as of a date to include the recordation of the deed to the Commissioner, and shall show that, according to the public records, there are not, at such date, any outstanding prior liens, except for ground rents and taxes not due and payable and special assessments not in arrears. If the title and title evidence are such as to be acceptable to prudent lending institutions and leading attorneys generally in the community in which the property is situated, such title and title evidence will be satisfactory to the Commissioner and will be considered by him as good and merchantable.

(f) *Waiver of title objections.* The Commissioner will not object to the title by reason of the following matters, provided they are not such as to impair the value of the property for residence purposes:

(1) Customary easements for public utilities, party walls, driveways and other purposes; customary building or use restrictions for breach of which there is no reversion and which have not been violated to a material extent;

(2) Such restrictions when coupled with a reversionary clause, provided there has been no violation prior to the date of the deed to the Commissioner;

(3) Slight encroachments by adjoining improvements;

(4) Outstanding oil, water, or mineral rights, which do not impair the value of the property for residence purposes, or which are customarily waived by prudent lending institutions and leading attorneys generally in the community.

(g) *Sale and claim for deficiency.* In lieu of the procedure provided for in paragraphs (d) and (e) of this section, the insured, after acquiring title to the property as provided in this section, may at its option and with the approval of the Commissioner, sell the same in the open market to a bona fide third party at any time within six (6) months from the date of such acquisition of the property, or within such further time as may be approved by the Commissioner. The net amount received at such sale, whether in cash or deferred payments, shall be credited on the obligation and claim may be filed with the Commissioner for the balance. Payment of loss sustained by the insured shall be made as follows:

(1) The net unpaid balance of the advance actually made. In calculating the net unpaid amount, the net sale price must be included as a credit.

(2) Uncollected earned interest to the date of default and interest at the rate of three per centum (3%) per annum from the date of default to the date of the application for reimbursement of loss sustained.

(3) An amount on account of the cost of foreclosure or of acquiring the property by other means actually paid by the insured and approved by the Commissioner not in excess of two-thirds (⅔) of such cost or seventy-five (75) dollars, whichever is the greater.

(4) The amount of all payments which have been made by the insured for taxes, ground rents, special assessments, water rates which are liens prior to the mortgage, fire and hazard insurance premiums, and cost of maintenance and repair of the property. (Claim for the cost of maintenance and repair shall not exceed ten per centum (10%) of the net unpaid balance of the advance actually made unless prior approval of the Commissioner has been obtained.) Any amount received by the insured from any source relating to the property on account of rent or other income shall be deducted from the sum of the items referred to in this paragraph.

§ 502.11 *Insurance charge* — (a) *Rate.* The insured shall pay to the Administration an annual insurance charge equal to one-half of one per centum of the original principal amount of any loans reported for insurance.

(b) *When payable.* The first annual insurance charge so calculated shall be paid by check or draft to the order of the Federal Housing Administration within twenty-five (25) days after the date the Administration acknowledges receipt to the insured of the report of any such loan and the next and each succeeding annual insurance charge shall be paid in advance upon the anniversary of the first day of the month following the date of the mortgage until the loan is paid in full or claim is filed with the Commissioner under the Contract of insurance.

(c) *Mortgages paid in full.* In the event the loan is paid in full prior to maturity or is foreclosed or the possession of and title to the property is otherwise acquired by the insured, the insured shall within thirty (30) days thereafter notify the Commissioner of the date of prepayment, foreclosure, or acquisition, after which its obligation to pay future annual insurance charges in connection therewith shall cease but it shall not be entitled to a refund of any portion of an annual insurance charge previously paid or a reduction in the amount of any insurance charge, which fell due prior to such prepayment, foreclosure, or acquisition of the property.

(d) *Refinancing.* When the proceeds of any loan are used to liquidate a loan previously reported for insurance, there shall be deducted from the amount of the insurance charge payable the first year the prorata share of the annual insurance charge paid on the original obligation.

(e) *Transfer of mortgages.* An insured who purchases a mortgage previously reported for insurance shall pay each succeeding annual insurance charge as provided in paragraph (b) of this section. Any adjustment of the insurance charge paid in advance by the seller shall be made between the purchaser and the seller.

(f) *Payment of insurance charge.* Subject to the other provisions of the regulations in this part, the insurance granted under Title I of the National Housing Act, as amended, shall be effective with respect to any loan from the date of the report thereof to the Commissioner *Provided*, That the insurance charge with respect to such loan is paid as required by this section.

§ 502.12 *Insurance reserve*—(a) *Legal limit.* Subject to the limitation on the total liability which may be outstanding at any time as stipulated in section 2 of Title I of the act, the Commissioner, in accordance with § 502.10 (d) and (g), will reimburse any insured for losses sustained by it up to a total aggregate amount equal to ten per centum (10%) of the total amount advanced on all eligible loans made by it on and after July 1, 1947, and prior to July 1, 1949, and reported for insurance during the time its contract of insurance is in force.

(b) *General insurance reserve.* There shall be established for each insured a general insurance reserve equal to ten per centum (10%) of the aggregate amount advanced on all loans originated by it on and after July 1, 1947, and prior to July 1, 1949, pursuant to the provisions of both Part 501 and Part 502.

(c) *Transfer of loans reported for insurance.* The insured shall not assign or otherwise transfer any loan reported for insurance to a transferee not holding a Contract of Insurance under Title I of the National Housing Act, *Provided*, That nothing contained herein shall be construed to prevent the pledging of such loans as collateral security under a trust agreement, or otherwise, in con-

nection with a bona fide loan transaction.

(d) *Transfer of insurance reserve.* Insurance reserve of more than $5,000 shall not be transferred to or from the reserve account of any insured during any fiscal year (July 1 through June 30) without the prior approval of the Commissioner. Except in cases involving the transfer of loans sold with recourse or under a guaranty, guarantee, or repurchase agreement, the reports required by § 502.8 shall be submitted, indicating the intent of the parties with respect to the transfer of the insurance reserve and unless the approval of the Commissioner is obtained, the insurance reserve shall be transferred as follows:

(1) In cases involving the transfer of notes purchased without recourse, guaranty, guarantee, or repurchase agreement, provided no instalment payment is past due more than one (1) calendar month at the time of purchase, the insurance reserve shall be transferred to the general insurance reserve of the purchasing institution on the basis of ten per centum (10%) of the actual purchase price or net unpaid original advance, whichever is the lesser.

(2) In cases involving the transfer of notes sold with recourse or under a guaranty, guarantee, or repurchase agreement, no insurance reserve will be transferred and no reports will be required.

(e) *FHA recovery shall not affect reserve.* Amounts which may be salvaged by the Commissioner with respect to a loan in connection with which an insured has been reimbursed under its contract of insurance shall not be added to the insurance reserve remaining to the credit of such insured.

(f) *Conversion of mortgages.* If at any time a Class 3 loan previously reported for insurance is converted into an insured mortgage under the provisions of another title of the act, upon report of the conversion to the Commissioner, there shall be deducted from the insurance reserve outstanding to the credit of the insured an amount equal to ten per centum (10%) of the net unpaid principal of the loan as of the date of the conversion.

§ 502.13 *Administrative reports and examination.* The Commissioner, in his discretion, may at any time or from time to time call for a report from any institution on the delinquency status of the obligations held by such institution and reported for insurance, or call for such reports as he may deem to be necessary in connection with the regulations in this part, or he or his authorized representative may inspect the books or accounts of the lending institution as they pertain to the loans reported for insurance.

NOTE: The amendments contained herein are effective as to all loans made on or after August 19, 1947, and shall have the same force and effect as if included in and made a part of each contract of insurance.

Issued at Washington, D. C., August 19, 1947.

FRANKLIN D. RICHARDS,
*Federal Housing Commissioner.*

[F. R. Doc. 47-7920; Filed, Aug. 22, 1947; 8:48 a. m.]

## Chapter VIII—Office of Housing Expediter

### PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

#### CONTROLLED HOUSING RENT REGULATIONS [1]

Amendment 2 to Controlled Housing Rent Regulation. Controlled Housing rent Regulation (§ 825.1) is amended in the following respects:

1. Section 1 is amended by adding the following definition after the definition of "Rent Director":

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor as required by section 204 (e) of the Housing and Rent Act of 1947.

2. Section 1 (b) (7) (iii) is amended to read as follows:

(iii) Housing accommodations in any tourist home serving transient guests, exclusively. Every landlord of all such housing accommodations referred to in this paragraph (7), except housing accommodations in motor courts, shall file in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after such date of first renting, whichever is the later.

3. Section 1 (b) (8) (ii) is amended to read as follows:

(ii) Housing accommodations which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations. Every landlord of housing accommodations referred to in this paragraph (8) may, at his option, file in the area rent office a report of decontrol on a form provided by the Expediter.

4. The first unnumbered paragraph of section 5 is amended by adding the following:

In issuing orders under this section full consideration shall be given to hardships resulting from the inadequacy of the maximum rent applicable to the housing accommodation and any inequity within the meaning of the Housing and Rent Act of 1947. In making adjustments under this section recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

5. The sixth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

6. Section 5 (a) (11) is amended to read as follows:

(11) *Peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by peculiar circumstances, or is otherwise inequitable, and is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

7. Section 11 is hereby revoked.

This amendment shall become effective August 22, 1947.

Issued this 22d day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
*Authorizing Officer.*

[F. R. Doc. 47-7976; Filed, Aug. 22, 1947; 10:37 a. m.]

[1] 12 F. R. 4331, 5421, 5454.

### PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

#### CONTROLLED HOUSING RENT REGULATION FOR ATLANTIC COUNTY DEFENSE-RENTAL AREA [1]

Amendment 2 to Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area. The Controlled Housing Rent Regulation for Atlantic County Defense-Rental Area (§ 825.4) is amended in the following respects:

1. Section 1 is amended by adding the following definition after the definition of "Rent Director":

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor as required by section 204 (e) of the Housing and Rent Act of 1947.

2. Section 1 (b) (7) (iii) is amended to read as follows:

(iii) Housing accommodations in any tourist home serving transient guests, exclusively. Every landlord of all such housing accommodations referred to in this paragraph (7), except housing accommodations in motor courts, shall file in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after such date of first renting, whichever is the later.

3. Section 1 (b) (8) (ii) is amended to read as follows:

(ii) Housing accommodations which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations. Every landlord of housing accommodations referred to in this paragraph (8) may, at his option, file in the area rent

[1] 12 F. R. 4381, 5422, 5456.

office a report of decontrol on a form provided by the Expediter.

4. The first unnumbered paragraph of section 5 is amended by adding the following:

In issuing orders under this section full consideration shall be given to hardships resulting from the inadequacy of the maximum rent applicable to the housing accommodation and any inequity within the meaning of the Housing and Rent Act of 1947. In making adjustments under this section recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

5. The sixth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

6. Section 5 (a) (11) is amended to read as follows:

(11) *Peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by peculiar circumstances, or is otherwise inequitable, and is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

7. Section 11 is hereby revoked.

This amendment shall become effective August 22, 1947.

Issued this 22d day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
*Authorizing Officer.*

[F. R. Doc. 47-7979; Filed, Aug. 22, 1947; 10:37 a. m.]

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## PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

### CONTROLLED HOUSING RENT REGULATION FOR MIAMI DEFENSE-RENTAL AREA [1]

Amendment 2 to Controlled Housing Rent Regulation for Miami Defense-Rental Area. The Controlled Housing Rent Regulation for Miami Defense-Rental Area (§ 825.3) is amended in the following respects:

1. Section 1 is amended by adding the following definition after the definition of "Rent Director":

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor as required by section 204 (e) of the Housing and Rent Act of 1947.

2. Section 1 (b) (7) (iii) is amended to read as follows:

(iii) Housing accommodations in any tourist home serving transient guests, exclusively. Every landlord of all such housing accommodations referred to in this paragraph (7), except housing accommodations in motor courts, shall file in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 60 days after July 1, 1947 or within 30 days after such date of first renting, whichever is the later.

3. Section 1 (b) (8) (ii) is amended to read as follows:

(ii) Housing accommodations which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations. Every landlord of housing accommodations referred to in this paragraph (8) may, at his option, file in the area rent office a report of decontrol on a form provided by the Expediter.

4. The first unnumbered paragraph of section 5 is amended by adding the following:

In issuing orders under this section full consideration shall be given to hardships resulting from the inadequacy of the maximum rent applicable to the housing accommodation and any inequity within the meaning of the Housing and Rent Act of 1947. In making adjustments under this section recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor."

5. The eighth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

6. Section 5 (a) (11) is amended to read as follows:

(11) *Peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by peculiar circumstances, or is otherwise inequitable, and is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

7. Section 11 is hereby revoked.

This amendment shall become effective August 22, 1947.

Issued this 22d day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
*Authorizing Officer.*

[F. R. Doc. 47-7978; Filed, Aug. 22, 1947; 10:37 a. m.]

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## PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

### CONTROLLED HOUSING RENT REGULATION FOR NEW YORK CITY DEFENSE-RENTAL AREA [1]

Amendment 2 to Controlled Housing Rent Regulation for New York City Defense-Rental Area. The Controlled Housing Rent Regulation for New York City Defense-Rental Area (§ 825.2) is amended in the following respects:

1. Section 1 is amended by adding the following definition after the definition of "Rent Director":

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor as required by section 204 (e) of the Housing and Rent Act of 1947.

2. Section 1 (b) (7) (iii) is amended to read as follows:

(iii) Housing accommodations in any tourist home serving transient guests, exclusively. Every landlord of all such housing accommodations referred to in this paragraph (7), except housing accommodations in motor courts, shall file in the area rent office an application for decontrol of such accommodations on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after such date of first renting, whichever is the later.

3. Section 1 (b) (8) (ii) is amended to read as follows:

(ii) Housing accommodations which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented (other than to members of the immediate family of the occupant) as housing accommodations. Every landlord of housing accommodations referred to in this paragraph (8) may, at his option, file in the area rent office a report of decontrol on a form provided by the Expediter.

4. The first unnumbered paragraph of section 5 is amended by adding the following:

In issuing orders under this section full consideration shall be given to hardships resulting from the inadequacy of the maximum rent applicable to the housing accommodation and any inequity within the meaning of the Housing and Rent Act of 1947. In making adjustments under this section recommendations of local advisory boards shall be approved within 30 days if appropriately

[1] 12 F. R. 4374, 5422, 5455.

[1] 12 F. R. 4295, 5422, 5455.

substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

5. The seventh unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (12) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

6. Section 5 (a) (11) is amended to read as follows:

(11) *Peculiar circumstances.* The rent on the date determining the maximum rent was materially affected by peculiar circumstances, or is otherwise inequitable, and is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

7. Section 11 is hereby revoked.

This amendment shall become effective August 22d, 1947.

Issued this 22d day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
*Authorizing Officer.*

[F. R. Doc. 47-7977; Filed, Aug. 22, 1947; 10:37 a. m.]

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## PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

### RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS [1]

Amendment 2 to Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments. The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respects:

1. Section 1 is amended by adding the following definition after the definition of "Rent Director":

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor as required by section 204 (e) of the Housing and Rent Act of 1947.

2. Section 1 (b) (8) (iv) is amended to read as follows:

(iv) rooms in other establishments (See definition of "other establishments" in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services. Every landlord of all such rooms referred to in this paragraph (8), except rooms in motor courts, shall file in the area rent office an application for decontrol of such rooms on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later.

3. Section 1 (b) (9) (ii) is amended to read as follows:

(ii) rooms which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented either as individual rooms or as part of a larger housing accommodation (other than to members of the immediate family of the occupant). The landlord of all such rooms referred to in this paragraph (9) may, at his option, file in the area rent office a report of decontrol on a form provided by the Expediter.

4. The first unnumbered paragraph of section 5 is amended by adding the following:

In issuing orders under this section full consideration shall be given to hardships resulting from the inadequacy of the maximum rent applicable to the housing accommodation and any inequity within the meaning of the Housing and Rent Act of 1947. In making adjustments under this section recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

5. The sixth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (9) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship, which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

6. Section 5 (a) (8) is amended to read as follows:

(8) *Peculiar circumstances.* The maximum rent was materially affected by peculiar circumstances, or is otherwise inequitable, and is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

7. Section 11 is hereby revoked.

This amendment shall become effective August 22d, 1947.

Issued this 22d day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
*Authorizing Officer.*

[F. R. Doc. 47-7980; Filed, Aug. 22, 1947; 10:37 a. m.]

[1] 12 F. R. 4302, 5423, 5457.

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## PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

### RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN MIAMI DEFENSE-RENTAL AREA [1]

Amendment 2 to Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area. The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in Miami Defense-Rental Area (§ 825.7) is amended in the following respects:

1. Section 1 is amended by adding the following definition after the definition of "Rent Director":

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor as required by section 204 (e) of the Housing and Rent Act of 1947.

2. Section 1 (b) (8) (iv) is amended to read as follows:

(iv) Rooms in other establishments (See Definition of "other establishments" in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services. Every landlord of all such rooms referred to in this paragraph (8), except rooms in motor courts, shall file in the area rent office an application for decontrol of such rooms on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later.

3. Section 1 (b) (9) (ii) is amended to read as follows:

(ii) rooms which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented either as individual rooms or as part of a larger housing accommodation (other than to members of the immediate family of the occupant). The landlord of all such rooms referred to in this paragraph (9) may, at his option, file in the area rent office a report of decontrol on a form provided by the Expediter.

4. The first unnumbered paragraph of section 5 is amended by adding the following:

In issuing orders under this section full consideration shall be given to hardships resulting from the inadequacy of the maximum rent applicable to the housing accommodation and any inequity within the meaning of the Housing and Rent Act of 1947. In making adjustments under this section recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be

[1] 12 F. R. 4325, 5423, 5459.

notified in writing of the reasons therefor.

5. The sixth unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (9) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship, which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

6. Section 5 (a) (8) is amended to read as follows:

(8) *Peculiar circumstances.* The maximum rent was materially affected by peculiar circumstances, or is otherwise inequitable, and is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

7. Section 11 is hereby revoked.

This amendment shall become effective August 22d, 1947.

Issued this 22d day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
*Authorizing Officer.*

[F. R. Doc. 47-7982; Filed, Aug. 22, 1947; 10:37 a. m.]

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## PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947

### RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS IN NEW YORK CITY DEFENSE-RENTAL AREA [1]

Amendment 2 to Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area. The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments in New York City Defense-Rental Area (§ 825.6) is amended in the following respects:

1. Section 1 is amended by adding the following definition after the definition of "Rent Director."

"Local Advisory Board" means a board created in a defense-rental area or a part thereof, the members of which are appointed by the Housing Expediter upon recommendations made by the Governor as required by section 204 (e) of the Housing and Rent Act of 1947.

2. Section 1 (b) (8) (iv) is amended to read as follows:

(iv) rooms in other establishments (See definition of "other establishments" in section 1) which are occupied by persons who are provided customary hotel services including maid service, furnishing and laundering of linen, telephone and secretarial or desk service, use and upkeep of furniture and fixtures, and bellboy services. Every landlord of all such rooms referred to in this paragraph (8), except rooms in motor courts, shall file in the area rent office an application for decontrol of such rooms on a form provided by the Expediter within 60 days after July 1, 1947, or within 30 days after the date of first renting, whichever is the later.

3. Section 1 (b) (9) (ii) is amended to read as follows:

(ii) rooms which at no time during the period February 1, 1945, to January 31, 1947, both dates inclusive, were rented either as individual rooms or as part of a larger housing accommodation (other than to members of the immediate family of the occupant). The landlord of all such rooms referred to in this paragraph (9) may, at his option, file in the area rent office a report of decontrol on a form provided by the Expediter.

4. The first unnumbered paragraph of section 5 is amended by adding the following:

In issuing orders under this section full consideration shall be given to hardships resulting from the inadequacy of the maximum rent applicable to the housing accommodation and any inequity within the meaning of the Housing and Rent Act of 1947. In making adjustments under this section recommendations of local advisory boards shall be approved within 30 days if appropriately substantiated and in accordance with applicable law and regulations. If any recommendation cannot be acted upon within 30 days the board shall be notified in writing of the reasons therefor.

5. The seventh unnumbered paragraph of section 5 is amended to read as follows:

In cases under paragraph (a) (9) of this section, the adjustment in the maximum rent shall be in the amount necessary to relieve the substantial hardship, which shall be the lesser of the following two amounts: the decrease in net income (before interest) or the increase in property taxes or operating costs.

6. Section 5 (a) (8) is amended to read as follows:

(8) *Peculiar circumstances.* The maximum rent was materially affected by peculiar circumstances, or is otherwise inequitable, and is substantially lower than the rent generally prevailing in the defense-rental area for comparable housing accommodations on the maximum rent date.

7. Section 11 is hereby revoked.

This amendment shall become effective August 22, 1947.

Issued this 22d day of August 1947.

OFFICE OF THE HOUSING EXPEDITER,
By JAMES V. SARCONE,
*Authorizing Officer.*

[F. R. Doc. 47-7981; Filed, Aug. 22, 1947; 10:37 a. m.]

[1] 12 F. R. 4318, 5423, 5458.

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# TITLE 35—PANAMA CANAL

## Chapter I—Canal Zone Regulations

### PART 5—AIR NAVIGATION

SUBPART B—SUPPLEMENTARY REGULATIONS PRESCRIBED BY GOVERNOR; AIRCRAFT, AIR NAVIGATION, AIR-NAVIGATION FACILITIES AND AERONAUTICAL ACTIVITIES WITHIN THE CANAL ZONE

By virtue of the authority vested in me by Canal Zone Order No. 3 (Subpart A; §§ 5.1 to 5.72), prescribed by the Secretary of War on January 21, 1947, and governing aircraft, air navigation, air-navigation facilities and aeronautical activities within the Canal Zone, I hereby prescribe the following supplementary regulations on such subjects, to be effective September 1, 1947:

GENERAL PROVISIONS

Sec.
5.101 Night flying.
5.102 Prohibited areas.
5.103 Airports.
5.104 Emergency field.
5.105 Requirements as to landing.
5.106 Reporting arrival and departure of aircraft.
5.107 Flight within Canal Zone.
5.108 Radio equipment check.
5.109 Radio contact with ground station.
5.110 Flight plan and clearance.

AIR TRAFFIC RULES

5.201 Air traffic rules applicable.

AIR TRANSPORTATION AND AIR COMMERCE, IN GENERAL

5.301 Qualification of air carriers and foreign air carriers; bond; terminal facilities.
5.302 Transportation of passengers in single engine aircraft.
5.303 Air carriers; operations specifications and regulations.
5.304 Foreign air carriers; operations specifications and regulations.
5.305 Dispatchers; requirement.
5.306 Same; hours of duty.
5.307 Clearances and load manifest.

MODEL AIRCRAFT

5.401 Location of activities.
5.402 Supervision.

VIOLATIONS AND ENFORCEMENT

5.501 Waiver of regulations.
5.502 Punishment of violations.

AUTHORITY: §§ 5.101 to 5.502 inclusive, issued under order, Secretary of War, 35 CFR 5.1 et seq., 12 F. R. 898.

GENERAL PROVISIONS

§ 5.101 *Night flying.* The navigation, operation, or flight of aircraft within the Canal Zone Military Airspace Reservation between the hours of sunset and sunrise is prohibited except in case of emergency or upon special authorization granted by authority of the Governor.

§ 5.102 *Prohibited areas.* The navigation, operation, or flying of aircraft over any of the lock installations, dock installations, dams, spillways, drydocks or coaling plants, within the Canal Zone Military Airspace Reservation is prohibited, except when aircraft are being navigated, operated, or flown on instrument conditions, or on top of overcasts, and then only at altitudes in excess of two thousand feet above sea level.

§ 5.103 *Airports.* The United States Army airfield known as "Albrook Field," together with the adjoining facilities of the Canal Zone Air Terminal, shall serve as the (only) regular airport in the Canal Zone. The Naval Air Station at Coco Solo shall serve as the (only) regular seadrome in the Canal Zone. The United States Army airfield known as "France Field" may be used as an alternate airport but only by persons having prior permission therefor and subject to the terms and conditions embodied in such permission.

§ 5.104 *Emergency field.* Any field or landing strip in the Canal Zone may be utilized by any aircraft in an emergency: *Provided, however,* That in every case of use of an emergency field the owner, operator, or other representative of the owner of the aircraft shall submit to the Aeronautics Section of The Panama Canal a complete written report of the reasons for and circumstances of such use: *And provided further,* That departure from an emergency field shall not be made until approved by authority of the Governor.

§ 5.105 *Requirements as to landing.* All aircraft entering the Canal Zone Military Airspace Reservation, except those engaged solely in Canal Zone-Panama air transportation or air commerce and those which make emergency landings and satisfactorily show the reason and necessity therefor, shall land in the Canal Zone at the regular airport or seadrome provided. Upon landing in the Canal Zone, the aircraft and their contents, crew and passengers are subject to inspection as provided in § 5.37 (12 F. R. 900).

§ 5.106 *Reporting arrival of aircraft.* Immediately upon arrival of an aircraft in the Canal Zone, the owner or the operator or other representative of the owner of such aircraft shall report such arrival to the Aeronautics Section of The Panama Canal.

§ 5.107 *Flight within Canal Zone.* While within the Canal Zone Military Airspace Reservation all aircraft shall comply with instructions issued by authority of the Governor relative to flight within the Canal Zone Military Airspace Reservation.

§ 5.108 *Radio equipment check.* Immediately prior to departure from the last point of landing before reaching the Canal Zone Military Airspace Reservation, and immediately prior to departure from the Canal Zone Military Airspace Reservation, the person in charge of an aircraft equipped with radio transmitting and receiving equipment shall determine that both day and night frequencies of the two-way radio, as well as any additional frequencies the use of which is contemplated during the flight, are working satisfactorily. Such determination shall be made by radio contact on each frequency with at least one ground station.

§ 5.109 *Radio contact with ground station.* All aircraft equipped with radio, while being navigated within the Canal Zone Military Airspace Reservation, shall maintain a continuous radio contact with the ground radio station in the Canal Zone designated by authority of the Governor.

§ 5.110 *Flight plan and clearance.* No aircraft shall depart from the Canal Zone Military Airspace Reservation except as authorized by a clearance issued by the Aeronautics Section of The Panama Canal. Such clearance shall be issued only after a flight plan containing the following information has been submitted to the Aeronautics Section:

(a) Date,
(b) Aircraft identification,
(c) Type,
(d) Pilot,
(e) Departure point,
(f) Altitude (CFR or IFR),
(g) Destination,
(h) Air speed,
(i) Transmitting frequencies,
(j) Receiving frequencies,
(k) Departure time,
(l) Elapsed time,
(m) Alternate airport,
(n) Hours of fuel,
(o) Remarks,
(p) Signature.

AIR TRAFFIC RULES

§ 5.201 *Air traffic rules applicable.* Aircraft operating into, within or from the Canal Zone Military Airspace Reservation are required to comply with the air traffic rules issued by the competent aeronautical authorities of the United States and by the competent military authorities in this area.

CROSS REFERENCE: The applicable air traffic rules issued by the competent aeronautical authorities of the United States presently in effect are contained in Part 60 of the Civil Air Regulations (22 CFR, Part 60). The applicable rules issued by the competent military authorities in this area presently in effect are CAirC Regulation No. 60-6, dated May 20, 1947, entitled "Air Traffic Regulations for Military and Non-Military Aircraft in Panama"; CAirC Manual 55-1, entitled "Panama Air Traffic Control Manual of Operations"; and the Albrook Field Traffic Rules.

AIR TRANSPORTATION AND AIR COMMERCE, IN GENERAL

§ 5.301 *Qualification of air carriers and foreign air carriers; bond; terminal facilities.* No air carrier or foreign air carrier shall engage in air transportation, into, within, or from the Canal Zone Military Airspace Reservation unless it has first:

(a) Deposited wth the Collector of The Panama Canal a bond in the sum of $25,000 with sufficient surety or sureties, to be approved by the Governor, conditioned upon the full satisfaction of all lawful judgments rendered against such person as a result of operations into, within or from the Canal Zone Military Airspace Reservation: *Provided, however,* That in lieu of such surety or sureties, such person may deposit cash in the sum of the bond, or may deposit bonds of the United States in a sum equal at their par value to the amount of such bond together with an agreement authorizing the collection or sale of such bonds in case of any default in the performance of the condition of the bond; and

(b) Demonstrated to the satisfaction of the Governor that it has available for use or is able and willing to provide adequate terminal facilities; and

(c) Obtained authorization from the Secretary of War to use the airfield known as "Albrook Field."

§ 5.302 *Transportation of passengers in single engine aircraft.* Transportation of passengers for hire in single engine aircraft between the hours of 2300 CCT and 1100 CCT is prohibited.

§ 5.303 *Air carriers: operations specifications and regulations.* Operations specifications and regulations governing operation of aircraft by air carriers into, within, or from the Canal Zone Military Airspace Reservation are those prescribed by the competent aeronautical authorities of the United States, including the certification and operation rules for scheduled air carrier operations outside the continental limits of the United States, and the general operation rules governing the operation of civil aircraft in the United States.

CROSS REFERENCES: For current Certification and Operation Rules for Scheduled Air Carrier Operations Outside the Continental Limits of the United States, see Part 41 of the Civil Air Regulations, 14 CFR Part 41.

For current General Operation Rules Governing the Operation of Civil Aircraft in the United States, see Part 43 of the Civil Air Regulations, 14 CFR Part 43.

§ 5.304 *Foreign air carriers: operations specifications and regulations.* Operations specifications and regulations governing operation of aircraft by foreign air carriers into, within, or from the Canal Zone Military Airspace Reservation are those prescribed by the competent aeronautical authorities of the United States to govern the operation of aircraft by foreign air carriers. In addition such foreign air carriers shall comply with the certification and operation rules for scheduled air carrier operations outside the continental limits of the United States, and the general operations rules governing the operation of civil aircraft in the United States, as such rules may be amended from time to time: *Provided, however,* That nothing in this section is intended or shall operate to modify either § 5.32 (12 F. R. 900), relative to aircraft registration and airworthiness, or §§ 5.33 to 5.35 (idem), relative to the competency and qualification of airmen.

CROSS REFERENCES: For current regulations governing the operation of aircraft by foreign air carriers, see Part 66 of the Civil Air Regulations, 14 CFR Part 66.

For current Certification and Operation Rules for Scheduled Air Carrier Operations Outside the Continental Limits of the United States, see Part 41 of the Civil Air Regulations, 14 CFR Part 41.

For current General Operation Rules Governing the Operation of Civil Aircraft in the United States, see Part 43 of the Civil Air Regulations (14 CFR Part 43).

§ 5.305 *Dispatchers; requirement.* Each air carrier and foreign air carrier operating aircraft into, within, or from the Canal Zone Military Airspace Reservation shall provide at least one aircraft dispatcher for service in the Canal Zone.

§ 5.306 *Same; hours of duty.* The following rules shall govern the hours of duty for authorized dispatchers of aircraft within the Canal Zone:

(a) No dispatcher shall be on duty as such for more than ten consecutive hours.

(b) If a dispatcher is scheduled to be on duty as such for more than ten hours in a period of twenty-four consecutive hours, he shall be given a rest period of not less than eight hours at or before the termination of ten hours of dispatcher duty except in emergencies due to illness or unavoidable absence of a dispatcher due to weather during a qualification trip or other circumstances beyond the control of the air carrier or foreign air carrier.

(c) Relief from all duty with the air carrier or foreign air carrier for not less than twenty-four hours shall be provided for and given each dispatcher at least once during any consecutive seven days, or equivalent thereto within one calendar month.

§ 5.307 *Clearances and load manifest.* A clearance form shall be properly prepared and signed by the first pilot and an authorized dispatcher for each scheduled air carrier and foreign air carrier flight made from the Canal Zone Military Airspace Reservation. Such form shall be signed only when the first pilot and the dispatcher both believe the flight may be made with safety. A load manifest form shall be properly prepared and signed for each flight by the personnel of the air carrier or foreign air carrier who are charged with the duty of supervising the loading of the aircraft and the preparation of the load manifest forms. The aircraft when loaded as shown on the load manifest form shall not exceed the center of gravity limits or maximum allowable weight limits set forth in the aircraft certificate for the particular aircraft. The original copies of both forms shall be given to the first pilot and duplicate copies shall be kept in the station file for a period of at least thirty days.

The clearance shall contain or have attached thereto all current weather reports over the airway or on-call weather reports considered necessary or desirable by the pilot or dispatcher to insure the safety of the flight. It shall also contain, when available, the latest terminal and airway forecasts and shall be considered by the dispatcher responsible and first pilot before clearance. The dispatcher shall attach or enter all current reports or information pertaining to weather and irregularities of navigational aids, radio facilities, aircraft instruments and radio equipment affecting the flight. He shall also inform the pilot, during flight, of any additional or different irregularities and the flight shall be controlled accordingly.

MODEL AIRCRAFT

§ 5.401 *Location of activities.* Any site which is located a distance of not less than two thousand yards from high tension lines, flight paths of aircraft, from any established airdrome, or from reasonably heavily populated areas, provided prior approval has been granted by authority of the Governor, may be used for the flying of model aircraft.

§ 5.402 *Supervision.* All flying of model aircraft shall be supervised by a responsible instructor approved by authority of the Governor.

VIOLATIONS AND ENFORCEMENT

§ 5.501 *Waiver of regulations.* The Governor may, in his discretion, waive any of the requirements of the regulations in this subpart when special circumstances exist which are deemed to justify such waiver.

§ 5.502 *Punishment of violations.* Any person who shall, within the Canal Zone or the Canal Zone Military Airspace Reservation, violate any of the provisions of this subpart, shall be punishable as provided in section 14 of Title 2 of the Canal Zone Code, as added by section 1 of the act of July 9, 1937, 50 Stat. 486 (48 U. S. C. sec. 1314a), and in § 5.63, by a fine of not more than $500, or by imprisonment in jail for not more than one year, or by both.

J. C. MEHAFFEY,
*Governor.*

AUGUST 14, 1947.

[F. R. Doc. 47-7909; Filed, Aug. 22, 1947; 8:45 a. m.]

# TITLE 39—POSTAL SERVICE

## Chapter I—Post Office Department

### Subchapter B—Regulations

### PART 5—CLASSIFICATION AND RATES OF POSTAGE

BULK MAILINGS OF THIRD-CLASS MATTER; SEPARATION REQUIRED

Effective at once the second sentence of paragraph (d) of § 5.63 *Pound rate for bulk mailings of third-class matter* (39 CFR, 11 F. R. 10052), is amended to read as follows: "To facilitate the handling of such matter the mailer shall separate and securely 'tie out' all mailings under this section, whether without stamps affixed or under precanceled stamps, into direct packages for post offices whenever there are as many as 10 pieces for any post office in any mailing, and the mailer shall separate and securely 'tie out' the pieces or packages into properly labeled State packages whenever there are as many as 10 pieces or packages for any State."

(Sec. 6, 45 Stat. 941; 39 U. S. C. 291)

[SEAL] J. M. DONALDSON,
*Acting Postmaster General.*

[F. R. Doc. 47-7894; Filed, Aug. 22, 1947; 8:45 a. m.]

### PART 21—INTERNATIONAL POSTAL SERVICE

SERVICE TO FOREIGN COUNTRIES; AIR MAIL SERVICE TO KOREA

In subpart B the regulations under the country "Korea" (12 F. R. 2434) are amended by amending the item "Air Mail Service" to read as follows:

*Air Mail Service.* Postage rate, 25 cents one-half ounce or fraction. Letter packages are limited to 4 pounds, 6 ounces in weight and may not contain merchandise.

(R. S. 161, sec. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

[SEAL] J. M. DONALDSON,
*Acting Postmaster General.*

[F. R. Doc. 47-7892; Filed, Aug. 22, 1947; 8:45 a. m.]

### Subchapter C—Procedures and Forms

### PART 50—PROCEDURES OF THE POST OFFICE DEPARTMENT

### PART 55—FORMS OF THE POST OFFICE DEPARTMENT

LOSSES, INQUIRIES, COMPLAINTS, AND CLAIMS AND REPORTS AND APPLICATION FOR INDEMNITY

The following changes are made in Part 50 (39 CFR, 1946 Supp., 50)

1. Amend § 50.706 to read as follows:

§ 50.706 *Report of the loss, rifling, delay, wrong delivery or other improper treatment of mail matter.* Persons expericncing the loss, rifling, delay, wrong delivery, or other improper treatment of mail matter should make report thereof to their local postmaster.

2. Amend § 50.2607 to read as follows:

§ 50.2607 *Inquiries concerning disposition or delay of registered mail.* Inquiries concerning the disposition or delay of domestic registered mail may be made by the public at any post office. However, the handling of the inquiries will be expedited if they are made at the mailing post offices. In cases of inquiries concerning delay of domestic registered mail the envelope or wrapper should be submitted if available. Postmasters will report such matters by letter to the Third Assistant Postmaster General, Division of Registered Mails.

3. Amend § 50.2611 to read as follows:

§ 50.2611 *Complaints of, or claims for, loss, rifling, damage, or wrong delivery of domestic registered mail*—(a) *Complaints.* Complaints on account of the loss, rifling, damage, or wrong delivery of, registered mail may be made at any post office. Firm mailers, to whom such forms are supplied, should use Form 1510, to report loss or rifling.

(b) *Claims.* Claims for indemnity for domestic registered mail are filed on Form 565. The postmaster at the office of mailing is required to enter the particulars of registration on the application for indemnity (Form 565). The sender is required to furnish a full description of the contents of the article and in case of partial loss, to submit the envelope or wrapper, if available, and to state to whom indemnity should be paid. Claims for damage should show in detail how the article was packed and wrapped and should be accompanied with the wrapper. Claims for duplication of valuable papers should be supported with receipted bills for any actual, necessary, and direct expense in connection therewith. The addressee is required to make a statement showing whether the article was received, and, if received, whether a portion of the contents was missing or

of address is required to state whether the article was received, and, if so, in what condition. After appropriate investigations by post office inspectors and review of reports by inspectors in charge and the Chief Post Office Inspector, applications for indemnity (Form 565) are sent to the Third Assistant Postmaster General, Division of Registered Mails, for adjustment.

CROSS REFERENCE: See § 55.2601 of this chapter for description of Form 565 and § 55.4302 of this chapter for description of Form 1510.

4. Amend the last paragraph of § 50.4301 *Disposition of money or other property lost or stolen from the mails and recovered by post office inspectors*, to read as follows:

Persons suffering losses of money or other property from the mails should make report thereof to the postmaster who channels such reports to the proper Post Office Inspector in Charge. When such money or other property is recovered by Post Office Inspectors, it is disposed of as hereinbefore shown.

(R. S. 161, 396, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369)

The following changes are made in Part 55 (39 CFR, 1946 Supp., 55):

1. Amend § 55.2611 to read as follows:

§ 55.2611 *Form 3812; application for indemnity for loss, rifling, or damage of domestic insured or C. O. D. parcel or failure to receive C. O. D. returns.* This form provides spaces wherein the sender or addressee of an insured or C. O. D. parcel, or the owner thereof, may submit evidence essential to the consideration of the merits of a claim.

2. Amend § 55.4302 to read as follows:

§ 55.4302 *Form 1510; report of the loss or rifling of mail matter.* This form provides space for showing complete particulars of mailing, nature of the com- damaged. The postmaster at the office plaint, and all other information pertinent to the mistreated mail matter necessary for a complete investigation.

(R. S. 396, sec. 304, 42 Stat. 24; 5 U. S. C. 369)

[SEAL] J. M. DONALDSON,
*Acting Postmaster General.*

[F. R. Doc. 47-7893; Filed, Aug. 22, 1947; 8:45 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

PART 1—MIGRATORY BIRDS AND GAME MAMMALS

OPEN SEASON ON MOURNING OR TURTLE DOVE IN FLORIDA

CROSS REFERENCE: For an amendment of Proclamation 2739, which revised § 1.4, see Proclamation 2744, *supra*.

# PROPOSED RULE MAKING

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

### [8 CFR, Part 116; 19 CFR, Part 6; 42 CFR, Part 11]

EXAMINATION IN HAWAII OF AIRCRAFT PASSENGERS AND CREW MEMBERS PROCEEDING TO THE MAINLAND

NOTICE OF PROPOSED RULE MAKING

AUGUST 21, 1947.

Pursuant to section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C., Sup., 1003), notice is hereby given of the proposed issuance by the Attorney General, the Secretary of the Treasury, the Commissioner of Customs, the Surgeon General, and the Federal Security Administrator of the following rule. In accordance with paragraph (b) of the said section 4, interested persons may submit to the Commissioner of Immigration and Naturalization, Room 1806, Franklin Trust Building, Philadelphia 2, Pennsylvania, written data, views, or arguments relative to the substantive provisions of the proposed rule. Such representations may not be presented orally in any manner. All relevant material received within 20 days following the day of publication of this notice will be considered.

It is proposed to amend Titles 8, 19, and 42 of the Code of Federal Regulations as follows:

1. Section 116.9, *Documents for clearance*, of Title 8, Code of Federal Regulations, also designated as § 6.9 of Title 19 and § 11.509 of Title 42, is amended by adding paragraph (f) as follows:

(f) If the aircraft is to proceed from Hawaii directly to the mainland, the immigration examination of passengers and crew and final determination of their admissibility to the mainland shall be completed before they depart for the mainland. With respect to passengers who are found to be United States citizens through primary inspection, by boards of special inquiry, or through appeal proceedings from the decisions of such boards, or who are by any such procedures found to be aliens admissible to the mainland, the special procedure shall be as follows:

(1) The general declaration and the air passenger manifests, as required by this section for immigration purposes, shall be in triplicate and shall be delivered by the aircraft commander to the immigration officer in charge in Hawaii.

(2) Each copy of the air passenger manifest shall be endorsed and signed by such officer in Hawaii to show which passengers are admissible as citizens of the United States and which passengers are admissible as aliens.

(3) One copy of the general declaration and of each air passenger manifest shall be returned by the immigration officer in Hawaii to the aircraft commander with the signed endorsement that the passengers who are departing on the aircraft for the mainland are correctly listed. The immigration officer in Hawaii shall verify that the passengers, as listed on the manifest, depart on the aircraft.

(4) One copy of the general declaration and one copy of each air passenger manifest shall be forwarded by the immigration officer in Hawaii by mail to the district director of immigration and naturalization of the district which embraces the airport to which the manifest states the aircraft is destined in the mainland.

(5) One copy of the general declaration and of each air passenger manifest shall be retained by such immigration officer in Hawaii.

(6) Upon arrival in the mainland, the copy of the general declaration and of each air passenger manifest that was returned to the commander by the immigration officer in Hawaii shall be endorsed and signed by the commander to show the place and date of arrival on the mainland. Such copies shall then be transmitted immediately by him to the district director of immigration and naturalization of the district which embraces the place at which the aircraft first lands in the mainland. Such copies and the copies sent by the immigration officer in Hawaii shall be compared to verify that they are in agreement. The place and date of arrival on the mainland shall be the record port and date of arrival for immigration purposes in the cases of aliens not admitted to the mainland for permanent residence. In the cases of all other aliens admitted at Hawaii, the place and date of arrival there shall be the record port and date of arrival for immigration purposes.

(7) No alien shall be brought from Hawaii to the mainland unless found by the immigration authorities in Hawaii to be admissible to the United States (the mainland). Where a passenger makes a substantial claim to United States citizenship which it is impracticable to determine in Hawaii, and the passenger desires to proceed by air to the mainland, he may be permitted by the immigration officer in charge in Hawaii to do so, subject to inspection and decision as to his status upon arrival in the mainland. In such case, copies of the general declaration and passenger manifest shall be furnished as prescribed in paragraph (e) of this section. In the case of such passengers, the aircraft commander shall notify the immigration officer at or nearest the place of intended first landing on the mainland sufficiently in advance of arrival there for an immigrant inspector

to meet the aircraft for the purpose of inspecting the passengers upon arrival there.

(8) Airmen serving on aircraft arriving from outside the United States and intending to proceed from Hawaii to the mainland will be inspected in Hawaii by the immigration authorities there, and any period of airport leave granted there to alien airmen will apply also to the mainland. Airmen serving on an aircraft arriving in the mainland directly from Hawaii will be presumed to have been found in Hawaii to be United States citizens or alien airmen entitled to usual airport leave, except in such cases as the district director of immigration and naturalization for the district embracing the place to which the aircraft is destined to the mainland is informed to the contrary by the immigration officer in charge in Hawaii. The information shall be furnished sufficiently in advance of the arrival of the aircraft in the mainland for an immigrant inspector to meet the aircraft. The place and date of arrival in Hawaii of an alien admitted there as an airman shall be the record port and date of arrival for immigration purposes.

(9) On Sundays and legal holidays and between 5 p. m. on any day and 8 a. m. on the following day, the immigration of inspection of passengers beginning a trip in Hawaii by aircraft to the mainland shall be paid for at the extra rates of compensation, respectively, prescribed by the act of March 2, 1931, as amended (8 U. S. C. 109a, 109b). The extra compensation shall be borne by the owner, operator, or agent of the aircraft and be paid in accordance with the regulations now in force under that act as amended or hereafter promulgated thereunder. For the purposes of this paragraph, verifying the departure of passengers by aircraft from Hawaii to the mainland is immigration inspection.

(R. S. 161, 251, sec. 23, 39 Stat. 892, sec. 24, 43 Stat. 166, sec. 7, 44 Stat. 572, sec. 644, 46 Stat. 761, secs. 367, 602, 58 Stat. 706, 712; 5 U. S. C. 22, 19 U. S. C. 66, 1644, 8 U. S. C. 102, 222, 49 U. S. C. 177, 42 U. S. C. Sup. IV, 201 note, 270; sec. 1, Reorg. Plan No. V, 5 F. R. 2132, 2223, sec. 102, Reorg. Plan No. 3 of 1946, 11 F. R. 7875)

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*Acting Secretary of the Treasury.*
FRANK DOW,
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Approved:

MAURICE COLLINS,
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[F. R. Doc. 47-7953; Filed, Aug. 22, 1947; 8:50 a. m.]

# DEPARTMENT OF AGRICULTURE

## Production and Marketing Administration

## [7 CFR, Ch. IX]

[Docket No. AO-185]

### HANDLING OF IRISH POTATOES IN EASTERN SOUTH DAKOTA PRODUCTION AREA

### NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR, Supp., 900.1 et seq.; 11 F. R. 7737; 12 F. R. 1159), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in the Eastern South Dakota production area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the tenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing, on the record of which the proposed marketing agreement and marketing order were formulated, was held at Watertown, South Dakota, on June 19 and June 20, 1947, pursuant to notice thereof, containing a proposed marketing agreement and order sponsored by the South Dakota Potato Growers' Association with changes, additions, and substitutions proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, United States Department of Agriculture, Washington, D. C. which was published in the FEDERAL REGISTER on June 4, 1947 (12 F. R. 3632). The presiding officer at the hearing permitted the filing of written arguments and briefs on the evidence until July 1, 1947. The proposed marketing agreement and order were designed with the objectives of accomplishing the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

The material issues presented on the record of the hearing were:

(1) The desirability of an economic justification for entering into an agreement and the issuing of an order for the handling of Irish potatoes grown in the Eastern South Dakota production area.

(2) The necessity to define and the equitable scope of definitions for "Secretary", "act", "persons", "production area", "potatoes", "handler", "ship", "producer", "fiscal year", "committee", "varieties", "seed potatoes", and "table stock potatoes".

(3) The necessity for administering the marketing agreement and order through an administrative committee and the equitable nature of provisions pertaining to its (a) establishment and membership, (b) initial committee, (c) term of office, (d) nominations, (e) voting, (f) districts, (g) selection and qualification of members, (h) vacancies, (i) obligations, (j) alternate members, (k) procedure, (l) members' expenses and compensation, (m) powers, and (n) duties.

(4) Necessity for the authorization of the committee to incur expenses necessary for its operation and the necessity for provision to raise funds to defray such expenses through levying of assessments, by equitable distribution of such levies on handlers.

(5) Necessity to account for funds received from assessments, with distribution of excess receipts among handlers on the basis of their equitable interest therein, and necessity for provisions permitting the committee to maintain suits for collection of assessments.

(6) The necessity for the regulation of Irish potato shipments and the necessity of and equitable nature of provisions providing that (a) the committee shall prepare and submit to the Secretary a report outlining its proposed marketing policy at the beginning of each fiscal year; (b) the committee shall have the duty to investigate supply and demand conditions for grade, size, and quality of Irish potatoes of all varieties and whenever it finds that such conditions make it advisable to regulate the shipments of particular grade, size, and quality of potatoes of any or all varieties during any period, it shall recommend to the Secretary the particular grade, size, and quality of any or all varieties of potatoes deemed advisable to be shipped during such period; (c) the committee shall consider certain relevant factors, including potato prices by grade, size, and quality, supplies from the producing area, competing supplies, demand for potatoes, and other relevant factors; (d) the Secretary shall limit the shipment of potatoes from the production area whenever he finds, from the recommendations and data submitted by the committee or from other information, that to do so would tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended; (e) whenever shipments are regulated under the agreement or order each handler shall cause such shipment or shipments to be inspected by an authorized representative of the Federal-State Inspection Service and, further, shall cause a copy of the inspection certificate to be submitted to the committee; (f) exemption of shipments shall be provided, through appropriate procedural rules, whereby any producer who is unable to ship as large a proportion of his potatoes, by reason of a regulation, as the average of all producers in

the production area so that such producer will be permitted to ship as large a proportion of his potatoes as the average of all producers; appeals from the action of the committee in handling applications by producers for exemption are allowed, subject to the right of the Secretary to modify, change, alter, or rescind any procedural rules or any exemptions granted pursuant thereto; records shall be maintained by the committee and a weekly report furnished to the Secretary showing the applications for exemptions received, exemptions granted, exceptions denied, and shipments made under exemption.

(7) The necessity for the regulation of surplus Irish potatoes and the necessity for the equitable nature of provisions providing that (a) the committee, whenever it finds that a surplus of Irish potatoes exists, shall determine the extent of such surplus and recommend to the Secretary the control and disposition of such surplus and, (b), whenever the Secretary finds from recommendations and information supplied by the committee or from other information that the control and disposition of surplus will tend to effectuate the declared policy of the act, he shall control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination and control among producers and handlers and, (c), the committee is authorized to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposition of surplus potatoes and, (d), the Secretary may designate the committee to assist in carrying out any program of surplus regulation.

(8) The necessity for and equitable nature of provisions providing for exemption from regulation of: (a) Potatoes shipped for consumption by charitable institutions or for distribution by relief agencies, (b) potatoes shipped for manufacturing or conversion into by-products, and, (c), upon the recommendation of the committee, potatoes shipped for livestock feed or for other specified purposes.

(9) The necessity for and equitable nature of the provisions of sections 7 through 19, inclusive, as published in the FEDERAL REGISTER on June 4, 1947 (12 FR 3632), which are common to marketing agreements and orders, and which sections provide for: 7. *Reports;* 8. *Compliance;* 9. *Right of the Secretary;* 10. *Effective time and termination;* 11. *Effect of termination or amendment;* 12. *Duration of immunities;* 13. *Agents;* 14. *Derogation;* 15. *Personal liability;* 16. *Separability;* 17. *Amendment;* 18. *Counterparts;* 19. *Order with marketing agreement.*

*Findings and conclusions.* (a) Certain terms, applying to specific individuals, agencies, legislation, concepts, or things, are used throughout the proposed marketing agreement and order. These terms should be defined for the purpose of specifically designating their applicability and establishing appropriate limitations to their meaning wherever they are used in the proposal and to preclude the burdensome necessity of redefining them when they are later used in the proposed marketing agreement and order. These definitions are necessary and incidental to the operation of the marketing agreement (hereinafter called the agreement) and order and for the effectuation of the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter called "act".) The definitions, "Secretary", "act", "persons", "potatoes", "producer", "fiscal year", and "varieties", as contained in the Growers' proposal set forth in the notice of hearing, were not in controversy at the hearing and are similar to or identical with definitions used in other similar marketing agreements and orders. Evidence at the hearing shows that these definitions are self evident, due to their source, or they are commonly accepted by growers, shippers, and other interested parties in the potato industry of Eastern South Dakota. They should be defined as they are shown in the notice of hearing.

(b) The "Production area" should be defined to include the counties of Codington, Clark, Hamlin, Deuel, Brown, Day, and Kingsbury in the State of South Dakota, as proposed by the South Dakota Potato Growers' Association. These counties include the bulk of commercial Irish potato production in Eastern South Dakota, and production conditions therein are relatively homogeneous. Commercial production in other counties in South Dakota east of the Missouri River, is relatively small or non-existent, as compared with production in these seven counties. It would be impractical to attempt regulation of shipments of Irish potatoes grown in such other counties due to the excessive cost of adequate inspection and other administrative expenses. The seven counties named comprise the smallest practical production area in Eastern South Dakota, and the "production area" should, therefore, be defined to include only such counties. The definition is necessary to and must be incorporated in the marketing agreement and order for the general reasons set forth under (a) above, and because it it necessary to delineate the area from which the handling of Irish potatoes is to be regulated.

(c) A definition of "handler" should be incorporated in the marketing agreement and order because the burden of regulation falls on handlers. Such definition is necessary for the general reasons set forth in (a) above, and it should include terminology bringing all persons, otherwise defined in the marketing agreement and order, shipping Irish potatoes in the form in which they are extracted from the soil, except persons acting as more transporting agents of handlers, within the ambit of the definition. Such exception in the production area should be limited to contract and common carriers because they perform such transportation function at either a "flat job rate" or on the basis of a "rate per ton-mile" and neither of such carriers have a proprietary interest in the commodity moved. The definition should be linked with shipment of Irish potatoes because the program is predicated on the regulation of shipments in interstate commerce or shipments directly burdening, obstructing, or affecting such commerce. Producers who ship potatoes of their own production should be handlers under the definition because they have a proprietary interest in the commodity moved and because they are performing a marketing function in effecting such shipments. Handler should, therefore, be defined as set forth in the notice of hearing with an additional exception to cover contract carriers.

(d) A definition of "ship" and "handle" is incorporated in the marketing agreement and order for the general reasons set forth in (a) above, and to indicate the activity of handlers which will be regulated. Evidence introduced at the hearing indicated that all shipment or handling of Irish potatoes grown in the production area either entered the current of interstate or foreign commerce or that such shipment or handling directly burdened, obstructed or affected such commerce, and that regulation of all shipment or handling, which terms are synonymous for the purposes of the definiition, of such potatoes will simplify enforcement problems under the marketing agreement and order. The incorporation of this definition in the marketing agreement and order is necessary and incidental to accomplish the declared purposes of the act. The definition set forth in the notice of hearing should, therefore, be amended as herein indicated and as hereinafter set forth.

(e) The South Dakota Potato Committee means the administrative body which acts as the agent of the Secretary and represents producers in the operation of the marketing agreement and order. Such committees are authorized by the act and they are necessary and incidental to operation of the marketing agreement and order and to effectuate the declared purposes of such act. The designation "South Dakota Potato Committee" is sufficiently distinctive to prevent confusion with other existing or possible administrative bodies. This definition is incorporated in the marketing agreement and order for the general reasons enumerated in (a) above, as well as for the reasons herein set forth. The definition should, therefore, be as set forth in the notice of hearing after deletion of the superfluous words "North Eastern".

(f) "Seed potatoes" and "table stock potatoes" should be defined in the marketing agreement and order because the marketing agreement and order proposes to regulate, under certain circumstances, differently for each type. Seed potatoes achieve their identity in South Dakota, upon being certified, tagged, marked or otherwise appropriately identified by the State Seed Certification Board of South Dakota, or its legal successors. Special regulation of seed potatoes is justified because of extra production cost attaching thereto, because of general superiority of product, because of limited production, and because they may be and frequently are consumed as table stock potatoes. Table stock potatoes involve the antithesis of the factors justifying dif-

ferent regulation for seed potatoes, and the definition of table stock potatoes should include all Irish potatoes not certified as seed potatoes. The definition of seed potatoes in the marketing agreement and order should be as set forth in the notice of hearing, as modifiel to correctly identify the State seed certifying agency. The definition of table stock potatoes should be incorporated in the marketing agreement and order to include all potatoes not covered by the definition of seed potatoes.

(g) The "South Dakota Potato Committee" (hereinafter called "committee"), consisting of seven producer members, should be established to act as the agent of the Secretary and as an agency representing producers in the operation of the marketing agreement and order to effectuate the declared purposes of the act. There should be an alternate member for each member of the committee in order to provide continuity of operation in case of vacancies. Seven members will provide adequate and fair representation on both a geographic and a production basis.

Initial members of the committee should be selected by the Secretary for a term of office ending June 30, 1948, and until their successors are selected and qualified. Selections of initial members of the committee may be made from lists of nominees supplied by producer groups or associations operating in and representative of producers in the producing area. If successors have not been selected, or if selectees have not qualified by the end of the current fiscal period, the initial members should continue to function until their successors have been selected and have qualified in order to provide continuity of operations.

The term of office of members and alternates of the committee, except for the initial members, should be on the basis of fiscal periods, i. e., beginning on the first day of July and continuing until the following June 30.

Nominations for committee membership, except for initial members and their alternates, should be determined by producers' elections at assembled meetings in each district or by producers voting by mail in each district. The committee should determine the most desirable and convenient method, aforesaid, of electing nominees for each district. The committee should appoint appropriate officials to conduct such elections. The committee should provide ample notice of their determinations as to manner of voting in each district by using newspapers, mail, and other means of communication. The committee should provide forms by June 10 of each year on which producers may list their choices. Lists of nominees, certified by appropriate election officials, should be forwarded via the committee to the Secretary by June 15 of each year. Election by assembled meeting of producers is considered the preferable form for naming nominees but mail voting for nominees is also necessary and incidental to proper operation of the marketing agreement or order under circumstances which preclude the possibility of producers conveniently attending assembled meetings. Producers' assembled meetings in each district should be conducted under the supervision of a chairman and a secretary designated by the committee and in accordance with Roberts' Rules of Order. When mail voting is used, the committee should check voters, identified by name and address on envelopes containing ballots against a producers eligibility registry.

Each producer should be eligible to cast one vote for each of the designated number of nominees in the district in which he qualifies as a producer. Votes should not be cumulated for any one nominee. A person qualifying as a producer in more than one district should elect the district in which he chooses to exercise his voting rights.

The production area, as proposed by the South Dakota Potato Growers' Association, is divided into four geographic districts for election and administrative purposes. Respective districts are comprised of the following counties: District No. 1—Codington and Deuel Counties; District No. 2—Clark County; District No. 3—Hamlin and Kingsbury Counties; and District No. 4—Brown and Day Counties. A fifth district, as proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, and comprising an additional 37 counties or the remainder of the State of South Dakota east of the Missouri River, is not considered a desirable and practical addition to the growers' proposal. As such 37 counties are not included in the production area for the reasons set forth in (b) above, there is no necessity for establishment of such fifth district.

Representation on the committee is apportioned according to districts. Two members shall be from District No. 1, three members from District No. 2, and one member each from Districts 3 and 4. This committee representation, with respective alternates, will provide adequate and equitable representation on a geographic and production basis. Seven committee members, with representation from each district and with procedural rules requiring that four members must be present to constitute a quorum and that four members must concur in their voting to validate any committee action, provides a committee of sufficient size to give adequate representation to producers, to maintain a committee of practical workable size, and to provide assurance that committee actions reflect the will of at least a majority of the producers' representatives. Two nominees should be presented by producers for each position as committee member and for each position as alternate member, in order for the Secretary to have a choice in exercising his selection of representatives. If nominations for committee members and alternates are not supplied to the Secretary by June 15 of each year, the Secretary should be allowed to select members without regard to nominations and such selections should be on the basis of the aforesaid representation from each district. Any person who is selected by the Secretary as a member or as an alternate member of the committee should qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

Authority to fill any vacancy in the committee membership, or among alternates, should be retained by the Secretary in order to maintain continuity of operation which are necessary and incidental to the administration of the marketing agreement and order and for the effectuation of the declared purposes of the act.

Any person, who is either a member or alternate committee member, who vacates his membership or alternate membership for any reason, should account for all receipts and disbursements which have come into his possession as such member or alternate and such vacating member or alternate should deliver all property, including funds, books, records, etc., to his successor or to a trustee designated by the Secretary. Such vacating member should execute an assignment and other instruments as may be necessary or appropriate to vest in such successor or trustee full title to all of the property, funds, and claims vested in such vacating member.

An alternate member should be authorized to act in the place and stead of the member for whom he is alternate during such member's temporary absence. Continuity of operation of the marketing agreement and order on a representative basis is better assured by such authorization. Similarly, an alternate should be authorized to act in a member's absence when such absence is due to death, removal, resignation, or disqualification of the member. Such authorization should provide that the alternate can act in place and stead of the member for whom he was alternate until a successor for the member has been selected and has qualified.

It is necessary and incidental to the operation of the marketing agreement and order and the effectuation of the purposes of the act that the committee should be authorized to provide for meetings by telephone, telegraph, or other means of communication. Any vote by members at such disassembled meetings should be promptly confirmed in writing. In any assembled meeting all votes should be cast in person.

The necessary expenses of committee members should be provided when they are acting on committee business. A per diem compensation of not to exceed $5.00 for each day spent in attendance at committee meetings should be allowed.

The powers of the committee, as authorized by the act, namely, to administer the marketing agreement and order, to make necessary rules and regulations to effectuate the terms and provisions of the marketing agreement and order, to receive, investigate, and report to the Secretary complaints of violations of the provisions of the marketing agreement or order, and to recommend amendments, should be granted to the South Dakota Potato Committee.

Duties, as outlined in the notice of hearing, should be given to the committee. These duties, namely: (1) To act as intermediary between the Secretary and any producer or handler; (2) to keep minutes, books, and records re-

flecting all acts and transactions of the committee, which shall be subject to examination at any time by the Secretary; (3) to investigate the growing, shipping, and marketing conditions for potatoes and to assemble data thereon; (4) to furnish the Secretary such available information as he may request; (5) to select a chairman and such other officer as may be necessary, and to adopt such rules and regulations for conduct of its business as it may deem advisable; (6) to submit a budget of its expenses, with report thereon, at the beginning of each fiscal year; (7) to have the committee's books audited at least each year and to furnish a copy of such audit to the Secretary; (8) to appoint such employees, agents, and representatives as it may deem necessary, and to determine the salary and define the duties of each such person, and (9) to confer with other marketing agreement and order committees in other states and areas, are necessary and incidental to the operation of the committee under the marketing agreement and order and for the effectuation of the declared purposes of the act.

All of the findings hereinbefore set forth under (g), are predicated on evidence introduced at the hearing on proposals contained in the notice of hearing and proposed by the Fruit and Vegetable Branch, Production and Marketing Administration, and the South Dakota Potato Growers Association. No evidence was introduced in favor of a portion of the administrative body proposal of the association and witnesses testified that the substitute proposals of the Fruit and Vegetable Branch were more complete and adequate to attain the desired objectives, than the portion of the association's administrative body proposal on which no evidence was presented at the hearing. Marketing agreement and order provisions hereinafter set forth will provide for expeditious establishment of, orderly and continuous operation of, and equitable representation of producers on the administrative body which will be the agency through which the Secretary will perform his administrative duties under the act in connection with such marketing agreement and order, all of which objectives are contemplated by the aforesaid evidence and the act. Handler representation on the administrative body is accomplished, despite the absence of reference thereto or specific provision therefor, through the fact that all handlers in the production area are also producers. Marketing agreement and order provisions to establish and provide for the continuous operation of an administrative body in an orderly, efficient and equitable manner should be as hereinafter set forth.

(h) The operation of the committee and of the marketing agreement and order necessitates funds for payment of necessary administrative expenses. It is necessary and appropriate that such expenses should be incurred under direction of the committee and that assessments should be levied against the movement of Irish potatoes to market in order to meet such expenses. Assessments should be levied against the first handler of potatoes. Assessments should be based on each handler's pro rata share of the expenses incurred by the committee. Pro rata shares should be determined by the proportion of the total crop which each handler ships. In making such pro rata shares of expenses effective on handlers, the budget of expense and revenue should recommend a rate of assessment against shipments which the Secretary can consider and, if he approves, fix as the rate per given unit of shipment which handlers must pay. The Secretary should be authorized to increase the rate of assessments which handlers should pay for a season if it is found during the course of a given season that the then current rate of assessments is insufficient to cover expenses. Handlers should be authorized to make advance payments to the committee if they wish to accommodate the committee in such manner.

If revenues collected through assessments are in excess of expenses at the end of any fiscal year, such proportionate excess shall be credited to individual handlers in accordance with the payments they have made on assessments. If any handler who has a proportionate refund due him so demands, such refund should be effected.

The committee should be authorized to maintain, with the approval of the Secretary, suits in its own name, or in the name of its members, against any handler for collection of such handler's pro rata share of the committee's expense.

Assessment provisions of the marketing agreement and order should be as hereinafter set forth to conform with the evidence introduced at the hearing, to provide necessary funds to defray the costs of administering the marketing agreement and order, to equitably distribute operating costs of the program against all handlers regulated, and to prevent any possible abuse of assessment prerogatives.

(i) Regulation of shipments of Irish potatoes grown in the production area should provide a method to limit such shipments by grade, size and quality of any or all varieties of both table stock and seed potatoes during any marketing season for South Dakota Irish potatoes when the prices to farmers therefor give such potatoes a purchasing power with respect to articles that farmers buy equal to or less than the purchasing power of such potatoes during the base period provided by the act. Evidence introduced at the hearing delineated marketing agreement and order provisions, to provide a method of accomplishing such regulation under the aforesaid circumstances, which provisions should be as hereinafter set forth.

Irish seed potato regulation should be and is authorized on a different basis under particular circumstances than table stock Irish potato regulation because the former can be and is frequently substituted for the latter by the consumer and because of different factors entering into the production and marketing of the former. Such different regulation should be and is predicated on an annual marketing policy or an amended marketing policy adopted by the committee, published and thereafter submitted to the Secretary. The method provided for the institution of such different regulations requires the committee to submit specific recommendations and information to the Secretary to justify the proposed action, and specific regulations will thereafter be issued by the Secretary on the basis of the recommendations and information submitted or on the basis of other information available to the Secretary, providing that such regulations will tend to effectuate the declared policy of the act.

The committee, in arriving at a basis for its recommendations to the Secretary with respect to regulations, should give consideration to various relevant marketing and production factors, such as market prices of Irish potatoes, including prices by grade, size, and quality of any and all varieties recommended for regulation; Irish potato supplies on hand in markets, supplies en route to markets, and supplies on track in markets; available supply, quality, and condition of Irish potatoes in the production area; supplies of Irish potatoes from competing areas and regions; the trend and level of consumer income, and other relevant factors.

Authority should be and is established in the marketing agreement and order, hereinafter set forth, for applying any specific regulation to any variety or varieties of potatoes, and for applying different regulations for different varieties during any period, and for applying different regulations during any period to table stock, on the one hand, and to seed potatoes, on the other hand, and for applying regulations to any variety or varieties of table stock or seed potatoes without applying it to any other specific variety or varieties of seed potatoes or of table stock potatoes as facts warrant. The Secretary should notify the committee of any regulations issued under this general provision and the committee should give adequate notice thereof to producers and handlers.

It is necessary for the operation of regulations under the marketing agreement and order for the committee and for the Secretary to have evidence which will show either compliance or noncompliance by handlers with the terms of the regulations. Evidence may be readily supplied by means of Federal-State Inspection Certificates. Inspections which representatives of the Federal-State Inspection Service offer and the certificates of inspection which they issue are commonly recognized throughout the production area, and in all domestic markets, as authoritative evidence of the subject product's definitive characteristics. Handlers should be required to have their shipments of Irish potatoes inspected before they are shipped so that authoritative evidence relating to characteristics of potatoes in such shipment will be available to the committee and to the Secretary. Each handler should be required to submit to the committee a copy of the inspection certificate issued upon such handlers' Irish potato shipments grown in the production area during any period of regu-

lation. Reasonably prompt Federal-State Inspection can be accomplished at all points in the production area for reasonable fees.

The committee should provide rules and regulations for the issuance of exemption certificates to producers. In order to provide equity among growers in so far as the effects of any given regulation or set of regulations are concerned, it may be necessary to allow some producer or producers to ship some Irish potatoes which are otherwise prohibited by the regulations. The committee should be empowered to issue, with the approval of the Secretary, rules and regulations pursuant to which exemption certificates shall be issued. The committee should issue certificates of exemption whenever a producer, because of regulation, is unable to ship as large a portion of his crop as the average of all producers. If any producer is dissatisfied with the action of the committee in handling his application for exemption, he should have the right of appeal to the committee for a re-examination of his application. The committee should be empowered to ask the producer for additional information upon which he based his appeal. The committee should be required to re-examine the application for an exemption certificate and to make a final determination with respect thereto. The committee should be required to promptly notify the appellant and should be required also to promptly furnish a copy of the appeal, with a copy of the final determination, to the Secretary. As an equitable matter, the Secretary should have the right to modify, change, alter, or rescind any procedural rules and regulations relating to exemptions and any exemption certificates granted or denied. The committee should be required to maintain current records with respect to applications for exemptions from the regulations and it should be required to furnish the Secretary with a weekly report showing the number of applications received, the disposition of such applications, and the shipments made under exemption certificates.

(j) One of the duties which should be and is required of the committee under the marketing agreement and order is to investigate supply of and demand for Irish potatoes in the production area and in the area in which Irish potatoes from the production area are marketed. Whenever the committee finds that the relationship of the supply of Irish potatoes to the demand for such potatoes, as reflected by producers' prices, is such that some of the supply may be considered surplus, then the committee should determine the extent of such surplus or the composition of such surplus by grade, size, and quality. If the committee deems advisable under such circumstances, it should recommend to the Secretary the control and disposition of surplus Irish potatoes and plans for equalizing the burden of surplus elimination and control among producers and handlers.

The Secretary, if he finds from recommendations of the committee, or from other information available to him, that the control and disposition of surplus Irish potatoes will tend to effectuate the declared policy of the act, should control and dispose of such surplus Irish potatoes and should provide for equalizing the burden of control and disposition among producers and handlers thereof.

The committee should be authorized, whenever the Secretary provides for control and disposition of surplus Irish potatoes, to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposal of such surplus. It is necessary and incidental to efficient local administration of any surplus control or disposal program that the local committee should be empowered to assist in such program. It is also necessary and appropriate that the Secretary should be authorized to designate the committee as an agency to assist in the operation of any governmental program for the elimination or control of surplus.

The method for controlling and disposing of surplus Irish potatoes, hereinbefore set forth, is in accord with the testimony introduced at the hearing and should, therefore, be established as hereinafter set forth.

(k) The shipment of Irish potatoes for consumption by charitable institutions or for distribution by relief agencies does not appreciably effect the market price for table stock or seed potatoes. Shipments which are made for these specific purposes might not otherwise take place because of the inability of the consuming agencies to buy in normal markets, hence it is desirable that such outlets should be provided with Irish potatoes that are fit for consumption but which might otherwise not be consumed unless they are not subjected to regulations under the marketing agreement and order. Shipment of Irish potatoes for consumption by charitable institutions or for distribution by relief agencies should not be subject to regulation under the marketing agreement and order. Also, Irish potatoes shipped for manufacture or for conversion into by-products, except for shipments for manufacturing into specified products the shipment of which is recommended for regulation by the committee, and approved by the Secretary, should not be subject to regulation. Evidence shows that shipments of Irish potatoes for manufacturing into products which shipments might be specified for regulation by the committee, with the approval of the Secretary, are potato chips and possibly starch, both of which are used for human consumption in virtually the original form of the raw material. If shipments for manufacturing into other products should be regulated in the consensus of the committee, it may so recommend. It is also desirable and necessary that shipments for conversion into by-products, which can use off-grade or undesirable sizes as well as the preferred types, should not be subject to regulation. Shipments of Irish potatoes for manufacturing or conversion, as hereinbefore indicated, should not be subject to regulation because they do not affect orderly marketing in that the use of the poorest grade of Irish potatoes would otherwise go to waste.

Irish potatoes transported from the producer's farm to the customary grading, storage, or loading station should not be subject to regulation. Any and all of these actions are commonly construed as occurring prior to the act of shipping. Such is the intent of the present proponents of the marketing agreement and order.

The committee should be authorized to recommend that Irish potatoes shipped for livestock feed, or for other specified purposes, should not be subject to regulation for reasons comparable to those set forth above for manufacturing and conversion. Livestock feed is an outlet which does not compete with markets for table stock or seed potatoes. Whenever conditions warrant that this market outlet should be used, there is no good reason why Irish potatoes for such purposes should be required to meet market standards imposed upon table stock or seed potatoes. Also, Irish potatoes which may be discarded for table stock or seed potatoes because of regulations may find an outlet as livestock feed, hence their exemption from regulations will tend to promote objectives sought under regulations in accordance with previous sections.

It is necessary and incidental to the operation of the marketing agreement and order and to effectuate the objectives of the act that the committee should be authorized to provide adequate safeguards to prevent Irish potatoes which are relieved of regulation from entering the current of interstate or foreign commerce to compete with Irish potatoes which have been regulated. Such safeguards, among others, should include Federal-State inspection in order that distinguishing characteristics of specific or particular shipments may be readily determined in accordance with commonly recognized authority.

Irish potatoes which are not subject to regulation under other sections, but for which producers receive some return (which is the position of the non-regulated Irish potatoes considered herein), should bear their equitable share of the expense of operating the marketing agreement and order.

In order to maintain appropriate identification for shipments which are not subject to regulation, the committee should be authorized to issue Certificates of Privilege to producers or handlers shipping such Irish potatoes. It is necessary in the interests of efficient operation of the marketing agreement and order that such identification should be maintained in this manner. In order that the Secretary may be properly advised concerning the movement of Irish potatoes from the production area, it is necessary and incidental to the operation of the marketing agreement and order that records of such shipments should be maintained and that weekly reports should be forwarded by the committee to the Secretary showing the disposition and number of shipments which were exempt from regulation. The Secretary should have the right to modify, change, alter, or rescind any safeguards prescribed or Certificates of Privilege issued by the committee.

(l) For the proper and efficient administration of the marketing agreement

and order, the committee needs information on Irish potatoes with respect to supplies, movement, prices, and sundry other relevant factors which are best obtainable from handlers. The committee should be authorized to request, and every handler should be required to furnish to the committee, any information which is required for reasonable operation of the marketing agreement and order. The Secretary should retain the right to modify, change, or rescind any request by the committee for information in order to protect handlers from unreasonable requests for reports.

(m) The provisions of sections 8 through 19, as published in the FEDERAL REGISTER of June 4, 1947 (12 F. R. 3632), are common to marketing agreements and orders now operating. These provisions are incidental to, and not inconsistent with section 8c (5), (6), and (7) of the act, and necessary to effectuate the other provisions of the marketing agreement and order, and to effectuate the declared purposes of the act. Testimony at the hearing supports the inclusion of each of these provisions as published in the notice of hearing. These provisions, identified by section numbers and title, are as follows: Section 8. *Compliance;* Section 9. *Right of the Secretary;* Section 10. *Effective time and termination;* Section 11. *Effect of termination or amendment;* Section 12. *Duration of immunities;* Section 13. *Agent;* Section 14. *Derogation;* Section 15. *Personal liability;* Section 16. *Separability;* Section 17. *Amendments;* Section 18. *Counterparts;* and Section 19. *Order with marketing agreement.*

(n) The seasonal average farm price per bushel for Irish potatoes in South Dakota varies from year to year depending upon a variety of factors, among which the size of the South Dakota crop, the size of the crop in the surplus late states, and the current level of consumer income are important. The average farm price for Irish potatoes in South Dakota during the base period, August 1919–July 1929, is $1.04 per bushel, although annual variations within that period range from $0.48 to $2.14 per bushel. Seasonal average farm prices for Irish potatoes in South Dakota during the period 1929–1946, inclusive, have ranged annually from $0.27 to $1.60 per bushel. The seasonal average farm price for Irish potatoes in South Dakota was below parity during ten of the eighteen seasons, 1929 to 1946, inclusive, and above parity during the other eight seasons. Preliminary reports indicate a seasonal average price per bushel received by farmers for Irish potatoes in South Dakota during the 1946 crop year of $1.52 per bushel. Parity price for Irish potatoes in South Dakota during the 1946 crop year averaged $1.50 per bushel, although farm prices for Irish potatoes in South Dakota were below parity during the fall months.

Within each season farm prices for Irish potatoes also vary from month to month in South Dakota usually reaching a seasonal low during the months of September through December. Last year, 1946, during this fall period, farm prices of Irish potatoes in South Dakota were 97 percent of parity. The prospect of farm prices for Irish potatoes in South Dakota being below parity is greater during this period than during any other portion of the Irish potato crop year. Sub-parity farm prices for Irish potatoes in South Dakota during the fall months of each production year are and have continued to be for a long period of time, an annual phenomenon which can reasonably be anticipated to obtain during the fall months of the 1947 production year.

Production of certified Irish seed potatoes in South Dakota increased rapidly during recent years. Concurrently heavy monthly Irish potato marketings in South Dakota have shifted to considerable extent from late fall and early winter, i. e., September through December, to the late winter and early spring, i. e., January through March, reflecting increased movement of Irish seed potatoes for late crop plantings. Farm prices for Irish potatoes in South Dakota usually are higher during the late winter and early spring period when movement of Irish seed potatoes is heavier than during the fall and early winter period when movement of Irish table stock predominates. Therefore, the need for regulation by grade, size, and quality is greater during the period of table Irish stock movement than during the period of heaviest Irish seed potato movement. In addition, the fall and early winter period is one in which South Dakota Irish potato prices usually are lowest.

The proposed marketing agreement and order and all the terms and conditions thereof will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this proposed marketing agreement and order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such Irish potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes in the base period, August 1919–July 1929, and by protecting the interest of the consumer by (1) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (2) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the level which it is declared in the act to be the policy of Congress to establish.

(o) The inspection of Irish seed potatoes to determine their grade, size, quality, and maturity, and the certification therefor with respect to such findings by a Federal-State inspector tends to establish orderly marketing conditions for Irish seed potatoes in South Dakota. It is found that such potatoes, which are inspected and certified by recognized authority as having certain specified characteristics, normally returned a higher price to farmers than do Irish potatoes which are not so inspected and certified. Inspection and certification of Irish seed potatoes by the Federal-State Inspection Service tends to promote the public interest by providing buyers and sellers with a greater amount of specific, accurate information relating to Irish seed potatoes offered for market than such interested parties would have in the absence of inspection and certification. Inspection and certification of Irish seed potatoes in South Dakota tends to promote orderly marketing conditions in the public interest and it is necessary for the operation of grade, size, quality, and maturity regulations that Irish potatoes marketed from this production area should be inspected and certified.

*Rulings on proposed findings and conclusions.* Interested parties were allowed until July 1, 1947, by the Presiding Officer at the hearing on the proposed marketing agreement and order to file briefs on findings of facts and conclusions based on evidence introduced at the hearing. No briefs were filed, hence no rulings are necessary.

*Recommended marketing agreement and order.* The following proposed marketing agreement and order are recommended as the detailed means by which the above conclusions may be carried out.

SECTION 1. *Definitions.* As used herein, the following terms have the indicated meaning:

(a) "Secretary" means the Secretary of Agriculture of the United States or any other officer or member of the United States Department of Agriculture, who is or may hereafter be authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937)), 7 U. S. C. 601 et seq. (Supp't. 5, 1939) as amended.

(c) "Persons" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

(d) "Production area" means the counties of Codington, Clark, Hamlin, Deuel, Brown, Day and Kingsbury in the State of South Dakota.

(e) "Potatoes" means all varieties of Irish potatoes grown in the production area.

(f) "Handler" is synonomous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes in fresh form, whether of his own production or other.

(g) "Ship" or "handle" means to transport, sell, or in any other manner place potatoes in the current of interstate commerce or so as directly to burden, obstruct, or affect such commerce.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal year" means the period beginning on July 1 of each year and ending June 30 of the following year.

(j) "Committee" means the South Dakota Potato Committee established pursuant to section 2 hereof.

(k) "Varieties" means and includes all classifications or subdivisions of Irish Potatoes according to those definitive

characteristics now or hereafter recognized by the United States Department of Agriculture or the American Horticultural Society.

(l) "Seed potatoes" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified, by the State of South Dakota Seed Certification Board or its legal successors.

(m) "Table stock potatoes" means and includes all potatoes not included within the definition of "seed potatoes."

SEC. 2. *Administrative body*—(a) *Establishment and membership.* A South Dakota Potato Committee, consisting of seven producer members, is hereby established. For each member of the committee, there shall be an alternate member, who shall have the same qualifications as the member.

(b) *Initial committee.* The initial members and alternates of the committee shall be selected by the Secretary for a term of office ending on June 30, 1948, and until their successors are selected and qualified. Such members and alternates may be selected by the Secretary from lists of nominees supplied by producer groups or associations operating in and representative of producers in the production area.

(c) *Term of office.* The term of office of members and alternates of the Committee shall begin on the first day of July or the date of qualification, whichever is later, and continue until the end of the then current fiscal year and until their successors are selected and have qualified.

(d) *Nominations.* Except for initial members and alternates of the committee, nominations for membership may be determined by:

(1) *Assembled meetings.* Elections may be conducted in assembled meetings of producers in each district to determine nominees for such district. Such election shall be conducted under the supervision of a chairman and a secretary designated by the committee in accordance with the provisions of Roberts' Rules of Order; or

(2) *Mail voting.* Election of nominees may be effected by the producers of each district by written ballot forwarded or presented to the teller designated by the committee. Each ballot form shall have printed thereon the date on which such ballot must be in the hands of the teller to be counted and ballots received after such date shall not be counted. Ballots not presented to the teller in person by the voter must be enclosed in an envelope with the voter's name and address indicated thereon. The notice of election attached to such ballot form may contain a list or lists of candidates sponsored for election by a group or groups of producers.

The committee shall determine the most desirable and convenient method, aforesaid, of electing nominees for each district, thereafter appointing indicated officials to conduct such elections. Such committee determinations shall be conveyed to interested producers by means of newspaper stories, mail, or such other means of communication deemed adequate by the committee. Nominees shall be elected on forms provided by the committee by June 10th of each year and lists certified by appropriate election officials (either chairman and secretary or teller, depending on the method of election) shall be forwarded via the committee to the Secretary by June 15th of each year.

(e) *Voting.* Each producer shall be eligible to cast one vote for each of the designated number of nominees in the district in which he qualifies as such producer, which vote can not be cumulated for any one nominee. A producer qualfying thereas in more than one district shall elect the district in which he chooses to exercise his voting rights.

(f) *Districts.* The production area is divided into four districts, identified, described and with nominee representation as follows:

*District No., Description, and Nominees*

1—Codington and Deuel Counties:
  4 for members.
  4 for alternates.
2—Clark County:
  6 for members.
  6 for alternates.
3—Hamlin and Kingsbury Counties:
  2 for members.
  2 for alternates.
4—Brown and Day Counties:
  2 for members.
  2 for alternates.

(g) *Selection and qualification of members.* Except for the initial committee, the Secretary shall select two members and two alternates from nominees submitted from District No. 1, three members and three alternates from the nominees submitted by District No. 2, and one member and one alternate from the nominees submitted by each of the remaining Districts. If nominations are not supplied to the Secretary within the time and in the manner specified in paragraph (d) of this section, the Secretary may, without regard to nominations, select the members and alternates of the committee, which selection shall be on the basis of the representation provided herein. Any person selected by the Secretary as a member or as an alternate member of the committee shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

(h) *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a member or alternate member of the committee to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate member, a successor for his unexpired term may be selected by the Secretary. Such selections, if made, shall be on the basis of substitute representation for the producers of the District involved.

(i) *Obligations.* Upon the removal or expiration of the term of office of any member of the committee, such member shall account for all receipts and disbursements and deliver all property and funds, together with all books and records, in his possession, to his successor in office or to a trustee designated by the Secretary and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or trustee full title to all of the property, funds, and claims vested in such member pursuant hereto: *Provided*, That the provisions hereof shall apply to alternate members in possession of funds, property, books or records, or participating in the receipt or disbursement of funds.

(j) *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is alternate during such member's absence. In the event of death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

(k) *Procedure.* (1) Four members of the committee shall constitute a quorum, and any action of the committee shall require four concurring votes.

(2) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be confirmed promptly in writing: *Provided*, That if an assembled meeting is held all votes shall be cast in person. *Provided, further*, That the committee shall hold an annual assembled meeting during the last two weeks of March in each year, the exact time, place and date to be determined by the committee.

(l) *Members expenses and compensation.* The members of the committee and their respective alternates when acting as members, may be reimbursed for expenses necessarily incurred by them in performance of their duties and in the exercise of their powers hereunder, and shall receive compensation at a rate to be determined by the committee, which rate shall not exceed $5.00 for each day or portion thereof, spent in attendance at meetings of the committee.

(m) *Powers.* The committee shall have the following powers:

(1) To administer the provisions hereof in accordance with its terms.

(2) To make rules and regulations to effectuate the terms and provisions hereof.

(3) To receive, investigate, and report to the Secretary complaints of violations of the provisions hereof.

(4) To recommend to the Secretary amendments hereto.

(n) *Duties.* It shall be the duty of the committee:

(1) To act as intermediary between the Secretary and any producer or handler.

(2) To keep minutes, books and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary.

(3) To investigate the growing, shipping and marketing conditions with respect to potatoes and to assemble data in connection therewith.

(4) To furnish to the Secretary such available information as he may request.

(5) To select a chairman and such other officers as may be necessary, and to adopt such rules and regulations for conduct of its business as it may deem advisable.

(6) At the beginning of each fiscal year, to submit to the Secretary a budget

of its expenses for such fiscal year, together with a report thereon.

(7) To cause the books of the committee to be audited by a competent accountant, at least once each fiscal year, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant hereto, and a copy of each such report shall be furnished to the Secretary.

(8) To appoint such employees, agents, and representatives as it may deem necessary, and to determine the salaries and define the duties of each such person.

(9) To confer with other Marketing Agreement and Order Committee in other States and areas.

SEC. 3. *Expenses and assessments*—(a) *Expenses.* The committee is authorized to incur such expenses as the Secretary finds may be necessary to carry out the functions of the committee pursuant to the provisions hereof during each fiscal year. The funds to cover such expenses shall be acquired by levying assesments as hereinafter provided.

(b) *Assessment.* (1) Each handler who first handles potatoes which are regulated, shall, with respect to the potatoes so handled by him, pay to the committee such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal year. Such assessment share shall be due and payable when the committee bills the handler therefor. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof, during the applicable fiscal year, and the total quantity of potatoes handled by all handlers, as the first handlers thereof during the same fiscal year. The Secretary shall fix the rate of assessment to be paid by such handlers.

(2) At any time during or after a fiscal year, the Secretary may increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expense of the committee. Such increase shall be applicable to all potatoes handled during the given fiscal year. In order to provide funds to carry out the functions of the committee, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of a fiscal year, it shall appear that assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund of the excess assessments shall be credited with such refund against the operations of the following fiscal year, unless he demands payment thereof, in which event such sums shall be paid to him.

(2) The committee may, with the approval of the Secretary, maintain in its own name, or in the name of its members, a suit against any handler for the collection of such handler's pro rata share of the expenses of the committee.

SEC. 4. *Regulation*—(a) *Marketing policy.* At the beginning of each fiscal year, the committee shall prepare and submit to the Secretary a report setting forth its proposed policy for the marketing of potatoes during such fiscal year. In the event it becomes advisable to deviate from such marketing policy, because of changed demand and supply conditions, the committee shall formulate a new marketing policy and shall submit a report thereon to the Secretary. The committee shall notify producers and handlers of the contents of such reports.

(b) *Recommendations for regulations.* (1) It shall be the duty of the committee to investigate the supply and demand conditions for grade, size and quality of potatoes of all varieties. Whenever the committee finds that such conditions make it advisable to regulate the shipment of particular grade, size and quality of potatoes of any or all varieties during any period, it shall recommend to the Secretary the particular grade, size and quality of any or all varieties thereof deemed advisable to be shipped during such period.

(2) In determining the grade, size, and quality of potatoes of all varieties deemed advisable to be regulated in view of the prospective demand therefor, the committee shall give due consideration to the following factors: (i) Market prices, including prices by grade, size and quality of potatoes of all varieties for which regulation is recommended; (ii) potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets; (iii) available supply, quality, and condition of potatoes in the production area; (iv) supplies from competitive areas and regions producing potatoes; (v) the trend and level of consumer income, and (vi) other relevant factors.

(c) *Issuance of regulations.* Whenever the Secretary shall find, from the recommendations and information submitted by the committee, or from other available information, that to limit the shipment of potatoes to particular grade, size and quality of any or all varieties thereof would tend to effectuate the declared policy of the act, he shall so limit the shipments of potatoes during a specified period. Any specific regulation may be made applicable to any variety or varieties of potatoes, different regulations may be applied in any fiscal year to different varieties, and different regulations may be applied in any fiscal year to table stock potatoes, on the one hand, and to seed potatoes on the other hand. One or more varieties of eiher table stock or seed potatoes may be regulated in any fiscal year without regulation of the remaining varieties. The Secretary shall notify the committee of any such regulation and the committee shall give reasonable notice thereof to handlers.

(d) *Inspection and certification.* During any period in which the Secretary has regulated the shipment of potatoes pursuant to this section, each handler shall, prior to making each shipment of potatoes, cause each shipment to be inspected by an authorized representative of the Federal-State Inspection Service. Promptly thereafter, each handler shall submit to the committee a copy of the inspection certificate issued thereon.

(e) *Exemptions.* (1) The committee shall adopt and announce, subject to the approval of the Secretary, the procedural rules pursuant to which certificates of exemption will be issued to producers.

(2) The committee shall issue certificates of exemption to any producer who furnishes adequate evidence to the said committee that by reason of a regulation issued pursuant to this section he will be prevented from having as large a proportion of potatoes shipped during the remainder of the shipping season, as the average of all producers. Such certificates of exemption shall grant an opportunity for such producer to have as large a proportion of his potatoes shipped as the average of all producers.

(3) If any producer is dissatisfied with the certificate of exemption granted or denied to him pursuant to an application, said producer may file an appeal with the committee. Such an appeal must be taken promptly after the issuance of the certificate of exemption or denial from which the appeal is taken. Any producer filing an appeal shall furnish evidence satisfactory to the committee, for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the certificate of exemption to be granted or the denial thereof. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

(4) The Secretary shall have the right to modify, change, alter, or rescind any procedural rules and any exemptions granted or denied pursuant to this section.

(5) Records shall be maintained by the committee and a weekly report furnished to the Secretary showing the applications for exemptions received, exemptions granted, exemptions denied, and shipments made under exemptions.

SEC. 5. *Regulation of surplus*—(a) *Recommendation.* It shall be the duty of the committee to investigate supply and demand conditions of potatoes. Whenever the committee finds that a surplus of potatoes exists, it shall determine the extent of such surplus of potatoes or of any grade, size or quality thereof. If it is deemed advisable, the committee shall recommend the control and disposition of surplus potatoes and plans for equalizing the burden of surplus elimination or control among the producers and handlers thereof under uniform rules established by the committee and approved by the Secretary.

(b) *Issuance of regulations.* (1) Whenever the Secretary finds from the recommendations and information submitted by the committee, or from other available information, that the control and disposition of surplus potatoes will tend to effectuate the declared policy of the act, he shall control and dispose of such surplus potatoes and shall further provide for equalizing the burden of such surplus elimination or control among

producers and handlers thereof. Such control and disposition, in any fiscal year, may be applied, where the facts so warrant, either to table stock or to seed potatoes, or both: *Provided*, That different controls and dispositions may be utilized, in any fiscal year, for table stock potatoes, on the one hand, and seed potatoes, on the other hand, and for the various varieties of table stock and seed potatoes.

(2) At any time during which the Secretary provides for the control and disposition of surplus potatoes, the committee is authorized to enter into contracts or agreements with any person, agency, or organization, for the purpose of facilitating the disposal of surplus potatoes. The Secretary may designate the committee as an agency to assist in and to effectuate the elimination or control of surplus potatoes under any governmental program.

SEC. 6. *Limitation of regulations.* Nothing contained herein shall authorize any limitation of the shipment of potatoes for any of the following purposes: (a) Potatoes shipped for consumption by charitable institutions or for distribution by relief agencies; (b) potatoes shipped for manufacturing or conversion into by-products, except for manufacturing or conversion into specified products recommended by the committee for regulation and approved by the Secretary therefor; (c) potatoes shipped by the producer thereof from the point or place of production to the nearest customary grading, storing, or loading point for the purpose of having said potatoes graded, stored, or loaded for shipment; and (d) upon recommendation of the committee and approval of the Secretary, potatoes shipped for livestock feed or for other specified purposes. The Secretary shall give prompt notice to the committee of any approval issued by him under the provisions of this section. The committee may prescribe adequate safeguards to prevent potatoes shipped for the purposes stated above from entering the current of interstate commerce or directly burdening, obstructing, or affecting such commerce contrary to the provisions hereof, which safeguards shall include Federal-State inspection provided by section 4 (d) hereof and the payment of a pro rata share of expenses provided by section 3 hereof; *Provided*, That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections. The committee shall issue Certificates of Privilege for shipments of potatoes effected or to be effected under the provisions of this section and shall make a weekly report to the Secretary showing the number of certificates applied for, the number of bushels of potatoes covered by such applications, the number of certificates denied and granted, the number of bushels of potatoes shipped under duly issued certificates, and such other information as may be requested by the Secretary. The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

SEC. 7. *Reports.* Upon the request of the committee, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties hereunder. The Secretary shall have the right to modify, change, or rescind requests for any reports pursuant to this section.

SEC. 8. *Compliance.* Except as provided herein, no handler shall ship potatoes, the shipment of which has been prohibited by the Secretary in accordance with provisions hereof, and no handler shall ship potatoes except in conformity to the provisions hereof.

SEC. 9. *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

SEC. 10. *Effective time and termination*—(a) *Effective time.* The provisions hereof shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions hereof by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operations of any or all of the provisions hereof whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions hereof at the end of any fiscal year whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal year, have been engaged in the production for market of potatoes; *Provided*, That such majority has, during such year, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effected only if announced on or before June 30 of the then current fiscal year.

(4) The Secretary shall terminate the provisions hereof at the end of any fiscal year, upon the written request of handlers signatory hereto handling not less than sixty-seven percent of the total volume of potatoes handled by the signatory handlers during the preceding fiscal year; but such termination shall be effective only if announced on or before June 30 of the then current fiscal year.[1]

[1] Applicable only to the proposed marketing agreement.

(5) The provisions hereof shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions hereof, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all funds and the property then in the possession of, or under control of the committee, including claims for any funds unpaid, or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred, or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

SEC. 11. *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination hereof, or of any regulation issued pursuant hereto, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen, or which may thereafter arise in connection with any provision hereof, or any regulation issued hereunder, or (b) release or extinguish any violation hereof, or of any regulation issued hereunder, or (c) affect or impair any rights or remedies of the Secretary, or of any other persons with respect to any such violation.

SEC. 12. *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue hereof shall cease upon the termination hereof, except with respect to acts done under and during the existence hereof.

SEC. 13. *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions hereof.

SEC. 14. *Derogation.* Nothing contained herein is, or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or in accordance with such powers, to act in the premises whenever such action is deemed advisable.

SEC. 15. *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

SEC. 16. *Separability.* If any provision hereof is declared invalid, or the applicability thereof to any persons, circumstances, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.

SEC. 17. *Amendments.* Amendments hereto may be proposed from time to time, by the committee or by the Secretary.

SEC. 18. *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original. *Provided,* That after the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[2]

SEC. 19. *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such as order.[2]

Filed at Washington, D. C., this 19th day of August 1947.

[SEAL] E. A. MEYER,
*Assistant Administrator.*

[F. R. Doc. 47-7908; Filed, Aug. 22, 1947; 8:46 a. m.]

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R & O COMMISSION CO., POSTING OF STOCKYARDS

NOTICE OF PROPOSED RULE MAKING

The Secretary of Agriculture has information that the R & O Commission Company stockyards, owned and operated by Irl Ransdell and Dan Olsen, a partnership doing business as the R & O Commission Company at Kearney, Nebraska, is a stockyard as defined by section 302 of the Packers and Stockyards Act, 1921 (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard listed above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921 (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit within fifteen (15) days after the publication of this notice any data, views, or argument, in writing, on the proposed rule to the Director of the Livestock Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 15th day of August 1947.

[SEAL] PRESTON RICHARDS,
*Acting Director, Livestock Branch, Production and Marketing Administration, Department of Agriculture.*

[F. R. Doc. 47-7929; Filed, Aug. 22, 1947; 8:46 a. m.]

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# NOTICES

## TREASURY DEPARTMENT

### Fiscal Service: Bureau of the Public Debt

[1947 Dept. Circ. 812]

⅞ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES H-1948

OFFERING OF CERTIFICATES

AUGUST 20, 1947.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated ⅞ percent Treasury Certificates of Indebtedness of Series H-1948, in exchange for Treasury Certificates of Indebtedness of Series H-1947, maturing September 1, 1947.

II. *Description of certificates.* 1. The certificates will be dated September 1, 1947, and will bear interest from that date at the rate of ⅞ percent per annum, payable with the principal at maturity on July 1, 1948. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,00. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before September 2, 1947, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series H-1947, maturing September 1, 1947, which will be accepted at par, and should accompany the subscription. The full year's interest on the certificates surrendered will be paid to the subscribed following acceptance of the certificates.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
*Secretary of the Treasury.*

[F. R. Doc. 47-7928; Filed, Aug. 22, 1947; 8:46 a. m.]

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[2] Applicable only to the proposed marketing agreement.

## DEPARTMENT OF JUSTICE

### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9549]

AMERICAN BOSCH CORP. AND ROBERT BOSCH, G. M. B. H.

In re: Dividends on stock of American Bosch Corporation beneficially owned by Robert Bosch, G. m. b. H.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Robert Bosch, G. m. b. H., the last known address of which is Stuttgart, Germany, is a corporation organized under the laws of Germany, and which has or, since the effective date of Executive Order No. 8389, as amended, has had its principal place of business in Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: That certain debt or other obligation of the New York Trust Company, 100 Broadway, New York, New York, arising out of a foreign checking account entitled "N. V. Administratiekantoor voor Internationale Belegging, Amsterdam, Holland",

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid Robert Bosch, G. m. b. H., a national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 47-7923; Filed, Aug. 22, 1947; 8:45 a. m.]

[Vesting Order 9557]

FANNY EVANS

In re: Stock owned by Fanny Evans.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Fanny Evans, whose last known address is Kobe, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Eighty-five (85) shares of $50.00 par value capital stock of Anaconda Copper Mining Company, 25 Broadway, New York, New York, a corporation organized under the laws of the State of Montana, evidenced by certificate number F853858, registered in the name of Fanny Evans, and presently in the custody of American Trust Company, 464 California Street, San Francisco, California, together with all declared and unpaid dividends thereon, and

b. Ten thousand (10,000) shares of capital stock of German Bar Gold Mines, Inc., evidenced by certificate number 511, registered in the name of Fanny Evans, and presently in the custody of American Trust Company, 464 California Street, San Francisco, California, together with all declared and unpaid dividends thereon,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 47-7924; Filed, Aug. 22, 1947; 8:45 a. m.]

[Vesting Order 9558]

JULIUS FREY ET AL.

In re: Debts owing to, and stock and bonds owned by, Julius Frey and others.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That the persons, whose last known addresses are set forth opposite their names, as follows:

*Name and Address*

Julius Frey—6 Wald Street, Musbach, Rheinpfalz, Germany.

Katherine Frey Herold, also known as Catherine Frey Herold and as Katherine Harold—57 Genfer Street, Rheinickendorf, Berlin, Germany.

Elfrieda Blinn Jost, also known as Elfrieda Blinn—Landau, Immelmann Street, Saarpfalz, Germany.

Emma Frey Wekenmann, also known as Emma Frey Wickenen and as Emma Weckenmann—Lambrecht, Saarpfalz, Germany.

are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. All those debts or other obligations owing to the persons whose names appear in subparagraph 1 hereof, by Fred Frey, 1134 Straight Street, Cincinnati, Ohio, including particularly but not limited to that sum of money on deposit with The Western Bank & Trust Company, Cincinnati, Ohio, in a checking account, entitled Fred Frey, Attorney-in-Fact, and any and all rights to demand, enforce and collect the same,

b. An undivided four-fifths (4/5) interest in and to forty (40) shares of $50.00 par value preferred capital stock of United States Smelting Refining and Mining Company, 75 Federal Street, Boston, Massachusetts, a corporation organized under the laws of the State of Maine, evidenced by certificate number NYO31691, dated December 20, 1935, registered in the name of Fred Frey, and presently in the custody of Fred Frey, 1134 Straight Street, Cincinnati, Ohio, being the total of the one-fifth (1/5) interests in and to the aforesaid shares of stock owned by each of the persons whose name appears in subparagraph 1 hereof, together with all declared and unpaid dividends thereon,

c. An undivided four-fifths (4/5) interest in and to two hundred (200) shares of no par value common capital stock of Kroger Grocery & Baking Company, 35 East Seventh Street, Cincinnati, Ohio, a corporation organized under the laws of the State of Ohio, evidenced by certificates numbered CC20060 and CC20061, for 100 shares each, both dated June 17, 1937, registered in the name of Fred Frey, and presently in the custody of Fred Frey, 1134 Straight Street, Cincinnati, Ohio, being the total of the one-fifth (1/5) interests in and to the aforesaid shares of stock owned by each of the persons whose name appears in subparagraph 1 hereof, together with all declared and unpaid dividends thereon,

d. An undivided four-fifths (4/5) interest in and to two (2) Missouri, Kansas

and Texas Railway Company First Mortgage 4% Bonds, each of $500.00 face value, bearing the numbers 38475 and 38815, registered in the name of bearer, and presently in the custody of Fred Frey, 1134 Straight Street, Cincinnati, Ohio, being the total of the one-fifth (1/5) interests in and to the aforesaid bonds owned by each of the persons whose name appears in subparagraph 1 hereof, together with all rights thereunder and thereto,

(e) An undivided four-fifths (4/5) interest in and to four (4) Missouri, Kansas and Texas Railway Company First Mortgage 4% Bonds, each of $1,000.00 face value, bearing the numbers 9326, 21555, 26998 and 32016, registered in the name of bearer, and presently in the custody of Fred Frey, 1134 Straight Street, Cincinnati, Ohio, being the total of the one-fifth (1/5) interests in and to the aforesaid bonds owned by each of the persons whose name appears in subparagraph 1 hereof, together with all rights thereunder and thereto,

f. An undivided four-fifths (4/5) interest in and to six (6) German External Loan 1924 7% Bonds, each of $500.00 face value, bearing the numbers B–6800, B–7097, B–7306, B–7364, B–7395 and B–3360, registered in the name of bearer, and presently in the custody of Fred Frey, 1134 Straight Street, Cincinnati, Ohio, being the total of the one-fifth (1/5) interests in and to the aforesaid bonds owned by each of the persons whose name appears in subparagraph 1 hereof, together with all rights thereunder and thereto, and

g. An undivided four-fifths (4/5) interest in and to eighteen (18) German External Loan 1924 7% Bonds, each of $1,000.00 face value, bearing the numbers C–015601, C–015602; C–007688, C–013308, C–100426, C–100119, C–078080, C–027632, C–099050, C–084267, C–005208, C–047688, C–007682, C–076523, C–005895, C–013309, C–013307, and C–005207, registered in the name of bearer, and presently in the custody of Fred Frey, 1134 Straight Street, Cincinnati, Ohio, being the total of the one-fifth (1/5) interests in and to the aforesaid bonds owned by each of the persons whose name appears in subparagraph 1 hereof, together with all rights thereunder and thereto,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 31, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 47–7925; Filed, Aug. 22, 1947; 8:45 a. m.]

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[Vesting Order 9634]

VALENTINE HOFMANN

In re: Real property, property insurance policies and claim owned by Valentine Hofmann.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Valentine Hofmann, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Real property, situated in the City and County of Philadelphia, State of Pennsylvania, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

b. All right, title and interest of Valentine Hofmann, in and to the property insurance policies, particularly described in Exhibit B, attached hereto and by reference made a part hereof, which policies insure the real property described in subparagraph 2–a hereof, together with any and all extensions or renewals thereof, and

c. All those certain debts or other obligations owing to Valentine Hofmann, by Land Title Bank and Trust Company, 100 S. Broad Street, Philadelphia 10, Pennsylvania, including particularly but not limited to those sums arising from rents collected from the real property described in subparagraph 2–a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof, is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 2–a hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2–b and 2–c hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

EXHIBIT A

*Parcel 1*

All that certain lot or piece of ground with the three story brick dwelling house thereon erected in the Forty-sixth Ward of the city of Philadelphia situate on the North side of Chestnut Street at the distance of three hundred and forty-seven feet three inches Westward from the West side of Forty-eighth Street. Containing in front or breadth on said Chestnut Street Fourteen feet and nine inches and extending of that width Northward between parallel lines at right angles to said Chestnut Street One hundred and forty feet to a thirteen feet six inches wide alley leading Westward and communicating with a ten feet wide alley leading Northward into Ludlow Street.

Together with the free and common use, right, liberty and privilege of the aforesaid alleys as and for passageways and water courses at all times hereafter forever.

*Parcel 2*

All that certain lot or piece of ground with the buildings and improvements thereon erected situate on the Northeast side of Holbrook Street at the distance of Fifty-eight feet five inches Southeastward from the Southeast side of Buist Avenue in the Fortieth Ward of the city of Philadelphia containing in front or breadth on the said Holbrook Street Fifteen feet eleven and three quarter inches and extending of that width in length or depth Northeastward Seventy-three feet ten inches to the middle of a certain three feet wide alley, together with the free and common use, right, liberty and privilege of the above mentioned alleys as and for passageways and water courses at all times hereafter forever.

*Parcel 3*

All that certain lot or piece of ground with the buildings and improvements thereon erected situate on the north side of Spencer Street at the distance of one hundred and sixty-five feet four inches eastward from the east side of Twentieth Street in the Forty-ninth Ward of the City of Philadelphia

containing in front or breadth on the said Spencer Street fifteen feet and extending of that width in length or depth northward between parallel lines at right angles to the said Spencer Street eighty-eight feet to a certain fourteen feet wide driveway extending westward into the said Twentieth Street and connecting at the easternmost end thereof with a certain other fourteen feet wide driveway leading northward into Sparks Street.

Together with the free and common use right liberty and privilege of the aforesaid driveways as and for an automobile driveway passageways and waters courses at all times hereafter forever in common with the owners, tenants and occupiers of the other lots of ground bounding thereon which said right, use and privilege is also granted to the owners and occupiers of the lot of ground bounding on the north side of the first above-mentioned driveway.

EXHIBIT

*Parcel 4*

All that certain lot or piece of ground with the buildings and improvements thereon erected, marked and numbered 320 and the Northernmost moiety or one-half part of Lot No. 321 on the Plan of Lots of the Fern Rock Land Company, recorded in the Office for the Recording of Deed in and for the County of Philadelphia in Deed Book G. G. P. No. 491, page 1 &c.

Situate on the West side of Eleventh Street at the distance of Ninety feet Northward from the North side of Nedro Avenue in the Forty-second Ward of the city of Philadelphia; containing in front or breadth on the said Eleventh Street Thirty feet and extending Westwardly in length or depth between lines parallel with the said Nedro Avenue Eighty-four feet and five-eighths of an inch to the rear of Lot No. 295 on said Plan.

Under and subject to certain building restrictions.

*Parcel 5*

All that certain lot or piece of ground with the buildings and improvements thereon erected Situate on the southwest side of Eighty fourth street at the distance of thirty eight feet two inches Northwestwardly from the Northwesterly side of Gibson Avenue in the Fortieth ward of the city of Philadelphia containing in front or breadth on the said Eighty fourth street twenty two feet two inches and extending of that width in length or depth Southwestwardly between lines parallel with the said Gibson Avenue Eighty one feet six inches to a certain three feet Six wide alley.

Under and subject to certain buildings restrictions and conditions of record.

EXHIBIT B

The property insurance policies, covering the real property situated in the City and County of Philadelphia, State of Pennsylvania, are as follows:

PARCEL 1—4843 CHESTNUT ST.

| Insurance company | Type | Term | Policy No. | Face amount | Expiration date |
|---|---|---|---|---|---|
| Insurance Co. of North America, 1600 Arch St., Philadelphia, Pa. | Fire | 3 years | 218562 | $4,500 | Nov. 7, 1947. |
| Indemnity Insurance Co. of North America, 1600 Arch St., Philadelphia, Pa. | Public liability and property damage. | 5 years | COLT 816 | Public liability, $100/200,000; property damage, $20,000. | Feb. 16, 1949. |
| Franklin Fire Insurance Co., 421 Walnut St., Philadelphia, Pa. | Vandalism | 3 years | R. C. C. 3-1054 | $1,000 | Oct. 5, 1947. |

PARCEL 2—2607 SOUTH HOLBROOK ST.

| | | | | | |
|---|---|---|---|---|---|
| Commerce Insurance Co., Bay and Glen Sts., Glens Falls, N. Y. | Fire | 3 years | 12276 | $3,000 | June 26, 1947. |
| Indemnity Insurance Co. of North America | Public liability and property damage. | 5 years | COLT 816 | Public liability, $100/200,000; property damage, $20,000. | Feb. 16, 1949. |
| Franklin Fire Insurance Co | Vandalism | 3 years | R. C. C. 3-1054 | $1,000 | Oct. 5, 1947. |

PARCEL 3—1961 SPENCER ST.

| | | | | | |
|---|---|---|---|---|---|
| Commerce Insurance Co | Fire | 3 years | 12087 | $3,000 | Jan. 30, 1947. |
| Indemnity Insurance Co. of North America | Public liability and property damage. | 5 years | COLT 816 | Public liability, $100/200,000; property damage, $20,000. | Feb. 16, 1949. |
| Franklin Fire Insurance Co | Vandalism | 3 years | R. C. C. 3-1054 | $1,000 | Oct. 5, 1947. |

PARCEL 4—5910 NORTH 11TH ST.

| | | | | | |
|---|---|---|---|---|---|
| New Brunswick Fire Insurance Co., 70 Bayard St., New Brunswick, N. J. | Fire | 3 years | 99041 | $4,500 | Feb. 2, 1948. |
| Indemnity Insurance Co. of North America | Public liability and property damage. | 5 years | COLT 816 | Public liability, $100/200,000; property damage, $20,000. | Feb. 16, 1949. |
| Franklin Fire Insurance Co | Vandalism | 3 years | R. C. C. 3-1054 | $1,000 | Oct. 5, 1947. |

PARCEL 5—3020 SOUTH 84TH ST.

| | | | | | |
|---|---|---|---|---|---|
| Insurance Co. of the State of Pennsylvania, 308 Walnut St., Philadelphia, Pa. | Fire | 3 years | 214600 | $3,000 | Aug. 24, 1948. |
| Indemnity Insurance Co. of North America | Public liability and property damage. | 5 years | COLT 816 | Public liability, $100/200,000; property damage, $20,000. | Feb. 16, 1949. |
| Franklin Fire Insurance Co | Vandalism | 3 years | R. C. C. 3-1054 | $1,000 | Oct. 5, 1947. |

[F. R. Doc. 47-7884; Filed, Aug. 21, 1947; 8:49 a. m.]

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[Vesting Order 9594]

KATHARINA KLEINSORG

In re: Insurance policy rights owned by Katharina Kleinsorg also known as Sister Gregoria. File D-28-9572; E. T. sec. 13160.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Katharina Kleinsorg also known as Sister Gregoria, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the net proceeds due or to become due under a contract of insurance evidenced by Certificate #9564 issued by the Knights of Columbus, New Haven, Connecticut on the life of John Kleinsorg, deceased, wherein Katharina Kleinsorg also known as Sister Gregoria is the designated beneficiary, and any other benefits and rights of any name or nature whatsoever under or arising out of said contract of insurance which are or were held by Katharina Kleinsorg also known as Sister Gregoria together with the right to demand, enforce, receive and collect said net proceeds and any other benefits and rights under the said contract of insurance, is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforementioned national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States re-

quires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 7, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 47-7926; Filed, Aug. 22, 1947; 8:46 a. m.]

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[Vesting Order 9635]

FRAU THEO OLTMANNS ET AL.

In re: Interest in a mortgage participation certificate and claim owned by Frau Theo Oltmanns, Magda Ehlers and Edith Gehrcke.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frau Theo Oltmanns, whose last known address is Nordershaus, Germany, Magda Ehlers, whose last known address is Hildescheim, Germany, and Edith Gehrcke, whose last known address is Stolze St. 10, III, Hanover, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. A 95% interest in First Mortgage Participation Certificate No. 2921, Issue No. 126, dated April 2, 1928, issued by J. Lehrenkrauss & Sons, representing a participation in a mortgage on premises, situated on the northeast corner of Franklin Avenue and Carroll Street, Brooklyn, Kings County, New York, which certificate is registered with the Fulton Service Corporation, 32 Court Street, Brooklyn, New York, in the names of the persons named in subparagraph 1 hereof and Geis, Forman & Schulze, together with any and all rights thereunder and thereto, and

b. That certain debt or obligation owing to the persons described in subparagraph 1 hereof by Fulton Service Corporation, 32 Court Street, Brooklyn, New York, arising by reason of the collection of payments of principal and interest collected on the property described in subparagraph 2-a hereof, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a and 2-b hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 47-7885; Filed, Aug. 21, 1947; 8:49 a. m.]

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# DEPARTMENT OF THE INTERIOR

## Geological Survey

OREGON

POWER SITE CLASSIFICATION NO. 383; JOHN DAY RIVER

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31), and by Department Order No. 2333 of the acting Secretary of the Interior dated June 10, 1947 (12 F. R. 4025), the following described land is hereby classified as power sites insofar as title thereto remains in the United States and subject to valid existing rights; and this classification shall have full force and effect under the provisions of sec. 24 of the act of June 10, 1920, as amended by sec. 211 of the act of August 26, 1935 (41 Stat. 1075; 16 U. S. C., Supp. V, 818):

WILLAMETTE MERIDIAN

T. 6 S., R. 19 E.,
Sec. 17, SE¼SW¼;
Sec. 20, W½NE¼, E½NW¼, NE¼SW¼, and NW¼SE¼;
Sec. 31, W½NE¼, and W½SE¼.
T. 7 S., R. 19 E.,
Sec. 7, W½NE¼, and W½SE¼;
Sec. 17, SW¼NW¼, S½SW¼, and SW¼SE¼;
Sec. 18, W½NE¼;
Sec. 19, lots 2, and 3, SW¼NE¼, E½NW¼, NE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 20, W½NE¼, SW¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 28, W½NE¼, SE¼NE¼, W½NW¼, SE¼NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 30, NE¼NE¼, S½NE¼, N½SE¼, and SE¼SE¼;
Sec. 31, E½SW¼, and SE¼;
Sec. 32, NW¼;
Sec. 33, N½NE¼, and SW¼NW¼;
Sec. 34, N½SW¼, and N½SE¼.
T. 8 S., R. 19 E.,
Sec. 3, lots 2, and 3, SW¼NE¼, SE¼NW¼, and W½SE¼;
Sec. 4, lot 7, SE¼SW¼, and SE¼;
Sec. 5, lots 3, 4, and 5, SW¼NE¼, and SE¼NW¼;
Sec. 9, lots 3, and 4, NE¼NE¼, S½NE¼, and NE¼SW¼;
Sec. 10, W½NE¼, and SE¼SW¼;
Sec. 15, lot 1, and E½SW¼;
Sec. 20, NW¼NE¼;
Sec. 21, lot 1, SE¼NE¼, NE¼NW¼, NE¼SE¼, and SW¼SE¼;
Sec. 22, lots 3, and 4, E½SW¼, and SW¼SE¼;
Sec. 23, lot 2, NE¼SW¼, and NW¼SE¼;
Sec. 24, SE¼NW¼, and SW¼;
Sec. 25, NE¼NW¼, SW¼NW¼, SE¼SW¼, and SW¼SE¼;
Sec. 26, lot 1, W½NE¼, and NE¼NW¼;
Sec. 27, lot 1.
T. 9 S., R. 19 E.,
Sec. 1, SE¼NE¼, and E½SE¼;
Sec. 12, E½NE¼, and SW¼NW¼;
Sec. 14, NE¼NE¼;
Sec. 24, SE¼NE¼, and NE¼SE¼.
T. 8 S., R. 20 E.,
Sec. 31, lot 4, S½NE¼;
Sec. 32, lots 2, and 4, SE¼SW¼.
T. 9 S., R. 20 E.,
Sec. 5, SW¼NW¼;
Sec. 6, lots 3, and 5, SE¼NW¼;
Sec. 30, NW¼SE¼;
Sec. 32, NW¼SW¼.

The area described aggregates 5,887.53 acres.

JULIAN D. SEARS,
*Acting Director.*

AUGUST 15, 1947.

[F. R. Doc. 47-7891; Filed, Aug. 22, 1947; 8:45 a. m.]

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# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 6883]

CRESCENT BROADCAST CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Crescent Broadcast Corporation, Shenandoah, Pennsylvania, Docket No. 6883, File No. BP-4092, for construction permit.

At a session of the Federal Communications Commission held in Atlantic City, New Jersey on the 28th day of July 1947;

The Commission having under consideration the above-entitled application of Crescent Broadcast Corporation which as amended requests a construction permit for a new standard broadcast station to operate on 980 kc, with a power of 5 kw, DA-1, unlimited time at Shenandoah, Pennsylvania;

*It is ordered*, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the application of Crescent Broadcast Corporation be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, direc-

tors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations, particularly with respect to coverage of Shenandoah's business district and interference from existing stations.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7921; Filed, Aug. 22, 1947; 8:48 a. m.]

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[Docket No. 8484]

PLATTE VALLEY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Platte Valley Broadcasting Corporation, Scottsbluff, Nebraska, Docket No. 8484, File No. BP-5714, for construction permit.

At a session of the Federal Communications Commission, held at Atlantic City, New Jersey, on the 28th day of July 1947;

The Commission having under consideration the above-entitled application requesting construction permit for a new standard broadcast station to operate on the frequency 960 kc, with 1 kw power, daytime only, at Scottsbluff, Nebraska;

*It is ordered,* That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with station KFEL, Denver, Colorado, or with any other existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's Rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations,

*It is further ordered,* That Eugene P. O'Fallon, Inc., licensee of Station KFEL, Denver, Colorado, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 47-7922; Filed, Aug. 22, 1947; 8:49 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. G-874]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed February 12, 1947, and the supplement thereto filed on August 18, 1947, by United Gas Pipe Line Company (Applicant), a Delaware corporation having its office at Shreveport, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipeline facilities, subject to the jurisdiction of the Commission as fully described in such application, on file with the Commission and open to public inspection;

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule of noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on March 15, 1947, (12 F. R. 1787); The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on August 27, 1947, at 9:30 a. m. (e. d. s. t.) in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (effective September 11, 1946).

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 19, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7915; Filed, Aug. 22, 1947; 8:47 a. m.]

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[Docket No. G-880]

TEXAS EASTERN TRANSMISSION CORP.

ORDER GRANTING MOTION TO OMIT INTERMEDIATE DECISION PROCEDURE AND FIXING DATE FOR ORAL ARGUMENT

Upon consideration of the motion filed herein on August 18, 1947, by Texas Eastern Transmission Corporation, requesting (a) that, in lieu of an intermediate decision, the Commission find that due and timely execution of its functions imperatively and unavoidable requires that it forthwith render in final decision herein, and (b) that the Commission require that oral argument be had before the Commission in lieu of the filing of briefs;

The Commission finds that:

(1) Due and timely execution of its functions imperatively and unavoidable requires that the Commission render the final decision in this case.

(2) Good cause exists for granting the motion for oral argument before the Commission.

The Commission, therefore, orders that:

(A) The above-mentioned motion of Texas Eastern Transmission Corporation be and the same is hereby granted.

(B) Oral argument in lieu of briefs be had in this proceeding before the Commission on September 22, 1947, at 10:00 a. m., (e. d. s. t.) in the Hearing Room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(C) All parties to the proceeding be and they are hereby granted permission to file memoranda of law and facts in support of their oral arguments; *Provided, however,* That said memoranda

shall be filed not later than the date hereinabove set for such argument.

Date of issuance: August 20, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7916; Filed, Aug. 22, 1947; 8:48 a. m.]

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[Docket No. G-888]

NEW YORK STATE NATURAL GAS CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed April 14, 1947, and the supplement thereto filed on May 14, 1947, by New York State Natural Gas Corporation (Applicant), a New York corporation having its principal office at New York, New York, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas pipe-line facilities, subject to the jurisdiction of the Commission, as fully described in such application, on file with the Commission and open to public inspection;

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on May 8, 1947, (12 F. R. 3056);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on September 4, 1947, at 9:45 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (effective September 11, 1946).

(B) Interested State commissions may participate as provided by Rule 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 20, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7917; Filed, Aug. 22, 1947; 8:48 a. m.]



[Docket No. G-907]

ARKANSAS-OKLAHOMA GAS CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed on June 6, 1947, by Arkansas-Oklahoma Gas Company (Applicant), a Delaware corporation having its principal place of business at Fort Smith, Arkansas, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to construct and operate certain natural-gas transmission pipeline facilities, subject to the jurisdiction of the Commission, as fully described in such application and supplement, on file with the Commission and open to public inspection;

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on June 20, 1947 (12 F. R. 4009).

The Commission therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on September 3, 1947, at 9:30 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the matters involved and the issues presented by such application as supplemented; *Provided, however,* That the Commission may, after a noncontested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (effective September 11, 1946).

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 20, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7918; Filed, Aug. 22, 1947; 8:48 a. m.]

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[Docket No. G-913]

MONTANA-DAKOTA UTILITIES CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the application filed June 17, 1947, by Montana-Dakota Utilities Co. (Applicant), a Delaware corporation having its office at Minneapolis, Minnesota, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas transmission facilities, subject to the jurisdiction of the Commission, as fully described in such application, on file with the Commission and open to public inspection;

It appearing to the Commission that: This proceeding is a proper one for disposition under the provisions of Rule 32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure (effective September 11, 1946), Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on July 2, 1947, (12 F. R. 4283);

The Commission, therefore, orders that:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a hearing be held on September 3, 1947, at 9:45 a. m. (e. d. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., concerning the matters involved and the issues presented by such application; *Provided, however,* That the Commission may, after a non-contested hearing, forthwith dispose of the proceeding pursuant to the provisions of Rule 32 (b) of the Commission's rules of practice and procedure (effective September 11, 1946).

(B) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Date of issuance: August 20, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7919; Filed, Aug. 22, 1947; 8:48 a. m.]

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[Docket No. G-916]

CONSOLIDATED GAS UTILITIES CORPORATION

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND DISMISSING APPLICATION IN PART

AUGUST 20, 1947.

Notice is hereby given that, on August 19, 1947, the Federal Power Commission issued its findings and order entered August 18, 1947, issuing certificate of public convenience and necessity and dismissing application in part in the above-designated matter.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-7913; Filed, Aug. 22, 1947; 8:47 a. m.]

[Docket No. IT-6073]

CONNECTICUT LIGHT AND POWER CO.

NOTICE OF ORDER APPROVING MAINTENANCE OF PERMANENT CONNECTION FOR EMERGENCY USE ONLY

AUGUST 20, 1947.

Notice is hereby given that, on August 19, 1947, the Federal Power Commission issued its order entered August 18, 1947, approving maintenance of permanent connection for emergency use only in the above-designated matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 47-7912; Filed, Aug. 22, 1947; 8:47 a. m.]

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[Project No. 1075]

MRS. E. F. RAYMOND & SONS AND SAM J. WILSON

NOTICE OF ORDER APPROVING TRANSFER OF LICENSE (MINOR)

AUGUST 20, 1947.

Notice is hereby given that, on August 19, 1947, the Federal Power Commission issued its order entered August 15, 1947, approving transfer of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 47-7910; Filed, Aug. 22, 1947; 8:47 a. m.]

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[Project No. 1522]

R. R. SISAC

NOTICE OF ORDER AUTHORIZING AMENDMENT OF LICENSE (MINOR)

AUGUST 20, 1947.

Notice is hereby given that, on August 19, 1947, the Federal Power Commission issued its order entered August 15, 1947, authorizing amendment of license (minor) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 47-7911; Filed, Aug. 22, 1947; 8:47 a. m.]

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[Project No. 1930]

SOUTHERN CALIFORNIA EDISON CO.

NOTICE OF ORDER MODIFYING ORDER AUTHORIZING ISSUANCE OF LICENSE (MAJOR)

AUGUST 20, 1947.

Notice is hereby given that, on August 12, 1947, the Federal Power Commission issued its order entered August 8, 1947, modifying order authorizing issuance of license (major) in the above-designated matter.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 47-7914; Filed, Aug. 22, 1947; 8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

[S. O. 396, Special Permit 270]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 14, 1947, by Chas. Abbate, of car FGE 35460, peaches, now on the Chicago Produce Terminal to Milwaukee, Wis.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 14th day of August 1947.

HOMER C. KING,
*Director,*
*Bureau of Service.*

[F. R. Doc. 47-7899; Filed, Aug. 22, 1947; 8:45 a. m.]

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[S. O. 396, Special Permit 271]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Illinois, August 15, 1947, by Chas. Abbate, of the following cars of peaches, now on the Chicago Produce Terminal to:

Warsaw, Wisconsin WFE 60300 and MDT 4492.
St. Paul, Minnesota GARX 67362.
Manitowoc, Wisconsin MDT 45060 and FGE 51413.
Des Moines, Iowa PFE 52203
Green Bay, Wisconsin WFE 61432 and MDT 4312.
Quincy, Illinois WFE 49292 and PFE 36652.
Hannibal, Missouri PFE 46658.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of August 1947.

HOMER C. KING,
*Director,*
*Bureau of Service.*

[F. R. Doc. 47-7900; Filed, Aug. 22, 1947; 8:45 a. m.]

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[S. O. 396, Special Permit 272]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago Produce Terminal, August 15, 1947, by Chas. Abbatte Company, of following cars of peaches:

To Cohn Bros., Milwaukee, Wis. (CNW):
BRE 74788.
MDT 20419.
MDT 3528.
MDT 46050.
PFE 93874.
To Redal Stores, Green Bay, Wis. (CMSt-P&P):
ART 21943.
To Redal Stores, Iron Mountain, Mich. (CNW):
WFE 67644.
To Al Shafton, Stevens Point, Wis. (SOO L):
FGE 50926.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 15th day of August 1947.

HOMER C. KING,
*Director,*
*Bureau of Service.*

[F. R. Doc. 47-7901; Filed, Aug. 22, 1947; 8:45 a. m.]

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[S. O. 396, Special Permit 273]

RECONSIGNMENT OF PEACHES AT CINCINNATI, OHIO

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Cincinnati, Ohio, August 18, 1947, by Chas. Abbate, of 16 cars peaches, now on the Chicago Produce Terminal.

WFE 67659 to Minneapolis; FGE 33481 and FGE 33232 to Green Bay, Wis.; PFE 52629 to Madison, Wis.; URT 86669 to Quincy, Ill.; BRE 70134 to Phillips, Wis.; WFE 66224 to Dubuque, Iowa; PFE 95452, RD 31344 and FGE 38430 to Rock Island, Ill.; FGE 36783 to Green Bay, Wis.; PFE 91058 to Milwaukee, Wis.; FGE 35518 to Milwaukee, Wis.; FGE 19548 and WFE 62442 to Green Bay, Wis., and ART 15238 to Spring Valley, Ill.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1947.

HOMER C. KING,
*Director,*
*Bureau of Service.*

[F. R. Doc. 47-7902; Filed, Aug. 22, 1947; 8:45 a. m.]

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[S. O. 396, Special Permit 274]

RECONSIGNMENT OF PEACHES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 18, 1947, by Chas. Abbate, of following cars peaches, now on the Chicago Produce Terminal to Fond du Lac, Wis. WFE 65098; to Warsaw, Wis. WFE 60417; to Madison, Wis. ART 24249

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1947.

HOMER C. KING,
*Director,*
*Bureau of Service.*

[F. R. Doc. 47-7903; Filed, Aug. 22, 1947; 8:45 a. m.]

[S. O. 396, Special Permit 275]

RECONSIGNMENT OF POTATOES AT CHICAGO, ILL.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Chicago, Ill., August 18, 1947, by National Prod. Distributors, Inc., of car WFE 60622, potatoes, now on the Chicago Produce Terminal to Indianapolis, Indiana.

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of August 1947.

HOMER C. KING,
*Director,*
*Bureau of Service.*

[F. R. Doc. 47-7904; Filed, Aug. 22, 1947; 8:45 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1517]

NORTH AMERICAN CO.

SUPPLEMENTAL ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 18th day of August 1947.

The Commission having heretofore permitted to become effective a declaration filed by The North American Company ("North American"), a registered holding company, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 (the "act") and the rules and regulations promulgated thereunder, regarding, among other matters, the distribution in partial liquidation to its stockholders of 5 shares of common stock of its subsidiary, Wisconsin Electric Power Company ("Wisconsin Electric"), in October, 1947, for each 100 shares of common stock of North American, subject, among other things, to the condition that said proposed distribution not be consummated until after consideration by the Commission of the basis of cash distribution in lieu of distribution of fractional shares of Wisconsin Electric common stock and entry of a supplemental order by the Commission in this proceeding; and

North American having filed an amendment to its declaration in which it states that the distribution of 5 shares of common stock of Wisconsin Electric for each 100 shares of common stock of North American is proposed to be made on October 15, 1947 to North American's stockholders of record on September 12, 1947, and that cash is proposed to be paid with respect to such numbers of shares as would be entitled to less than a full share of common stock of Wisconsin Electric at the rate of $20 per share of Wisconsin Electric, an amount being equivalent to $1 per share of common stock of North American entitled to be paid such cash; and

The Commission finding that the requirements of the applicable provisions of said act and the rules thereunder are satisfied and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration, as amended, be permitted to become effective:

*It is hereby ordered,* Pursuant to the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24 that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant to the Secretary.*

[F. R. Doc. 47-7897; Filed, Aug. 22, 1947; 8:45 a. m.]

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[File No. 70-1574]

UNITED GAS CORP. AND UNITED GAS PIPE LINE CO.

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pennsylvania, on the 15th day of August A. D. 1947.

United Gas Corporation ("United"), a gas utility subsidiary of Electric Power & Light Corporation ("Electric"), a registered holding company subsidiary of Electric Bond and Share Company, also a registered holding company, and United's wholly-owned subsidiary, United Gas Pipe Line Company ("Pipe Line"), having filed a joint application-declaration and amendment thereto under the Public Utility Holding Company Act of 1935, particularly sections 6 (a), 7, 9 (a) (1), 10 and 12 (c) thereof and Rule U-42 thereunder, regarding the issuance and private sale by United of $116,500,000 principal amount of First Mortgage and Collateral Trust Bonds, 2¾% Series, due 1967; the redemption of the outstanding $92,205,000 principal amount of United's First Mortgage and Collateral Trust Bonds, 3% Series, due 1962; the issuance by Pipe Line and purchase by United of $18,695,000 principal amount of Pipe Line's First Mortgage Bonds, 4% Series, due 1962 at the principal amount thereof; and the repayment by Pipe Line of promissory notes in the amount of $5,000,000 held by United; and

United having requested an exemption from the competitive bidding provisions of Rule U-50 in connection with the issuance and sale of its bonds; and

A public hearing having been held on said application-declaration, as amended, after appropriate notice and the Commission having examined the record and having made and filed its findings and opinion herein:

*It is ordered,* That the said application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rule U-24; and

*It is further ordered,* That jurisdiction be, and hereby is, reserved over the payment of the legal fees proposed to be paid to Reid and Priest; Baker, Botts, Andrews and Walne; and Milbank, Tweed, Hope & Hadley and the agent's fee proposed to be paid to Dillon, Read & Company, Inc., in connection with the proposed transactions; and

*It is further ordered,* That the reservation of jurisdiction heretofore made with respect to accounting matters in regard to United in the 1944 proceeding (File No. 70-314) be, and hereby is, continued.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant to the Secretary.*

[F. R. Doc. 47-7896; Filed, Aug. 22, 1947; 8:45 a. m.]

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[File No. 70-1578]

MIDDLE WEST CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 19th day of August A. D. 1947.

The Middle West Corporation ("Middle West"), a registered holding company, having filed a declaration and an amendment thereto, pursuant to the Public Utility Holding Company Act of 1935 ("act"), particularly Rule U-44 promulgated thereunder regarding the following proposed transactions:

Middle West proposes to sell and the Bankers Trust Company, New York, New York, as agent for certain specified parties, proposes to acquire from Middle West 49,720 shares of $5 par value common stock of Central and South West Corporation for a cash consideration of $10 per share. It is stated that the said shares are being purchased for investment and not for resale or distribution, and that there are no underwriters or any other persons to whom any fees, commissions or other remuneration are to be paid in connection with the proposed sale of said shares.

Middle West having stated that it will invest the proceeds to be received by it from the sale of said shares, amounting to $497,200, by the purchase of 49,720 shares of $10 par value common stock of its subsidiary, Kentucky Utilities Company, pursuant to approval of such purchase contained in our order of June 16, 1947, as modified by our order dated July 1, 1947; and

Declarant having stated that no commission other than this Commission has jurisdiction over the proposed transactions; and

Declarant having requested that the Commission's order permitting said declaration to become effective conform to the requirements of sections 371, 372, 373 and 1808 (f) of the Internal Revenue Code, as amended, with respect to sale of said shares and the expenditure of the proceeds of such sale, and that said order be issued not later than August 20, 1947 and become effective forthwith; and

The declaration having been filed July 28, 1947, the amendment thereto having been filed August 5, 1947, and notice of the filing having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the proposed transactions are appropriate steps in furtherance of and in compliance with the orders of the Commission entered on January 24, 1944, February 16, 1945, April 30, 1946 and April 15, 1947 pursuant to section 11 (b) (1) and 11 (e) of the act; and

The Commission observing no basis for adverse findings under section 12 (d) of the act and Rule U-44 thereunder with respect to the proposed sale and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective forthwith and deeming it appropriate to grant the request that the order herein conform to certain requirements of the Internal Revenue Code, as amended, and also deeming it appropriate that request for acceleration of the effective date of said declaration, as amended, be granted:

*It is hereby ordered,* Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and hereby is, permitted to become effective forthwith.

*It is further ordered and recited,* That the following transactions are necessary or appropriate to the integration or simplification of the holding company system of The Middle West Corporation and to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935:

(1) the sale and transfer by The Middle West Corporation of 49,720 shares of the par value of $5 each of Common Stock of Central and South West Corporation; and

(2) the expenditure by The Middle West Corporation for 49,720 shares of the par value of $10 each of Common Stock of Kentucky Utilities Company of the amount to be received by The Middle West Corporation from the sale and transfer of 49,720 shares of the par value of $5 each of Common Stock of Central and South West Corporation.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant to the Secretary.*

[F. R. Doc. 47-7895; Filed, Aug. 22, 1947; 8:45 a. m.]

[File No. 70-1589]

NORTH AMERICAN LIGHT & POWER CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 18th day of August 1947.

North American Light & Power Company ("Light & Power"), a registered holding company and a subsidiary of The North American Company, also a registered holding company, has filed an application pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("the act"), and Rules and Regulations promulgated thereunder regarding (a) the proposal of Light & Power to acquire 710,500 shares of new common stock, par value $10 per share, of its subsidiary, Northern Natural Gas Company ("Northern Natural"), in exchange for 355,250 shares of the presently outstanding shares of common stock, par value $20 per share, of Northern Natural owned by Light & Power, and (b) the proposal of Light & Power, in connection with such acquisition, to vote the said 355,250 shares (constituting 35% of the total voting power) of common stock of Northern Natural, at a stockholders' meeting of that Company, to be held on or about August 20, 1947, in favor of a proposal of the board of directors of Northern Natural that the par value of the presently outstanding common stock of Northern Natural be reduced from $20 to $10 per share and to issue two shares of the new $10 par value common stock in exchange for one share of its presently outstanding common stock, thereby increasing the outstanding shares of common stock of Northern Natural from 1,015,000 to 2,030,000 shares.

Said application having been filed August 4, 1947, and notice of filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act and the Commission not having received a request for hearing with respect to the proposed transactions within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the application that the requirements of the provisions of sections 9 (a) and 10 of the act and the rules thereunder are satisfied and that it is not necessary to make adverse findings thereunder, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted and deeming it appropriate to grant the request of applicant that the order become effective at the earliest date possible:

*It is hereby ordered,* Pursuant to said Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that said application be, and the same hereby is, granted forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant to the Secretary.*

[F. R. Doc. 47-7898; Filed, Aug. 22, 1947; 8:45 a. m.]